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"And gladly wolde he lerne, and gladly teche."

*Chaucer, Prologue.*

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1833

# BISHOP BURNET'S

# HISTORY OF HIS OWN TIME:

## WITH NOTES

BY THE EARLS OF DARTMOUTH AND HARDWICKE,

SPEAKER ONSLOW, AND DEAN SWIFT.

TO WHICH ARE ADDED

OTHER ANNOTATIONS.

IN SIX VOLUMES.

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# HISTORY

OF

# MY OWN TIMES.

## BOOK VII.

### *Of the life and reign of queen Anne.*

BY the death of king William, pursuant to the act that had settled the succession of the crown, it devolved on Anne [a], the youngest daughter of king James, by his first marriage: she was then entered on the thirty-eighth year of her age. Upon the king's death, the privy council came in a body to wait on the new queen: she received them with a well considered speech: she expressed great respect 1702. Queen Anne succeeds. Her first speech.

[a] As soon as the breath was out of king William, (by which all expectations from him were at an end,) the bishop of Salisbury drove hard to bring the first tidings to St. James's; where he prostrated himself at the new queen's feet, full of joy and duty: but obtained no advantage over the earl of Essex, lord of the bedchamber in waiting, whose proper office it was, besides being universally laughed at for his officiousness. D. (" On the queen's accession to " the throne, he was the first " who brought the news to her " of king William's death; yet " was turned out of his lodg- " ings at court, and met with " several affronts." *Macky's Characters*, p. 140.)



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1702. to the memory of the late king, in whose steps she intended to go, for preserving both church and
310 state, in opposition to the growing power of France, and for maintaining the succession in the protestant line. She pronounced this, as she did all her other speeches, with great weight and authority, and with a softness of voice, and sweetness in the pronunciation, that added much life to all she spoke[b]. These her first expressions were heard with great and just acknowledgments: both houses of parliament met that day, and made addresses to her, full of respect and duty: she answered both very favourably, and she received all that came to her in so gracious a manner, that they went from her highly satisfied with her goodness, and her obliging deportment; for she hearkened with attention to every thing that was said to her. Two days after, she went to the parliament, which, to the great happiness of the nation, and to the advantage of her government, was now continued to sit, notwithstanding the king's demise, by the act that was made five years before, upon the discovery of the assassination plot. In her speech she repeated, but more copiously, what she had said to the council upon her first accession to the throne. There were two passages in this speech that were thought not so well considered: she assured them, her heart

[b] King Charles the second was so pleased with the natural sweetness of her voice, that he ordered Mrs. Barry, a famous actress, should teach her to speak; which she did with such success, that it was a real pleasure to hear her; though she had a bashfulness that made it very uneasy to herself to say much in public. D. It has been said, that she was taught in this by Mrs. Barry, the famous actress. I have heard the queen speak from the throne, and she had all the author says here. I never saw an audience more affected: it was a sort of charm. O.

was *entirely English:* this was looked on as a reflection on the late king: she also added, that they might *depend on her word.* Both these expressions had been in her father's first speech, how little soever they were afterwards minded by him. The city of London, and all the counties, cities, and even the subaltern bodies of cities, came up with addresses: in these, a very great diversity of style was observed; some mentioned the late king in terms full of respect and gratitude; others named him very coldly; some took no notice of him, nor of his death, and simply congratulated her coming to the crown; and some insinuated reflections on his memory, as if the queen had been ill used by him [c]. The queen received all civilly: to most she said nothing, to others she expressed herself in general words, and some things were given out in her name which she disowned [d]. 1702.

Within a week after her coming to the crown, she sent the earl of Marlborough to Holland, to give the States full assurances of her maintaining the alliances that had been concluded by the late king, and of doing every thing that the common concerns of Europe required. She gave notice also of her coming to the crown to all the princes and states of Europe, except France and Spain. The earl of Marlborough stayed some days in Holland to very good purpose: the king's death had struck them all

She pursues the alliance and the war.

[c] The queen's prejudices were strongly for composing her administration from that party; by which she excluded some of the ablest men in the nation, particularly in the house of lords. H.

[d] Secretary Vernon notified the king's death to the house of commons on a sunday. Mr. Granville, or sir J. Packington, rose after him, and said, Sir, we have lost a great king, we have got a most gracious queen; it was a sort of tory-gratulation. O.

1702. with such a damp, that they needed the encouragement of such a message as he brought them. When
311 they had the first news of the king's death, they assembled together immediately; they looked on one another as men amazed: they embraced one another, and promised they would stick together, and adhere to the interests of their country: they sat up most of the night, and sent out all the orders that were necessary upon so extraordinary an emergency. They were now much revived by the earl of Marlborough's presence, and by the temper that both houses of parliament were in, with relation to the alliances, and the war with France: and they entered into such confidence with the earl of Marlborough, that he came back as well satisfied with them, as they were with him. The queen, in her first speech, had asked of the commons the continuance of that revenue which supported the civil list, and it was granted to her for life, very unanimously; though many seemed to apprehend, that so great a revenue might be applied to uses not so profitable to the public, in a reign that was like to be frugal, and probably would not be subject to great accidents. When the queen came to pass the act, and to thank the parliament for it, she said, she intended to apply one hundred thousand pounds of it to the public occasions of the present year: this was received with great applause, and particular notice was taken of it in all the addresses that came up afterwards.

A bill for the public accounts.

At the same time, the queen passed a bill for receiving and examining the public accounts; and in her speech she expressed a particular approbation of that bill. A commission to the same effect had been kept up, for six or seven years, during the former

reign, but it had been let fall for some years; since the commissioners had never been able to make any discovery whatsoever, and so had put the public to a considerable charge without reaping any sort of fruit from it. Whether this flowed from the weakness or corruption of the commissioners, or from the integrity or cunning of those who dealt in the public money, cannot be determined. The party that had opposed the late king, had made this the chief subject of their complaints all the nation over, that the public was robbed, and that private men lived high, and yet raised large estates out of the public treasure. This had a great effect over England; for all people naturally hearken to complaints of this kind, and very easily believe them: it was also said, to excuse the fruitlessness of the former commissions, that no discoveries could be made under a ministry that would surely favour their under-workmen, though they were known to be guilty[e]. One 1702.

[e] (The following observations are made on this subject by an impartial writer, who professes and evinces an attachment to the principles of the party he here animadverts on: "The "criminality of mismanage- "ment and the abuse of power "above described, might have "rested upon individuals, if the "whigs had not pursued such "measures as seemed to imply "the consciousness of wrong, "and a dread of detection; "which tended to involve the "whole party in the participa- "tion of guilt. They strug- "gled, long and obstinately, to "parry every inquiry, calcu- "lated for the purpose of bring- "ing to light extravagance and "abuse in the expenditure of "the revenue; and when the "appointment of commission- "ers to examine the public ac- "counts was, at length, obtain- "ed, they contrived to modify "and fetter their powers, by "clauses tending to frustrate, "in a great measure, the pur- "pose of their appointment. "They prostituted their abili- "ties, in postponing and evad- "ing the means of convict- "ing those persons, who were "strongly suspected of the "most notorious embezzle- "ment of the public money." *Somerville's History of Political Transactions*, &c. c. xxi. p. 577.)

1702. visible cause of men's raising great estates, who were
312 concerned in the administration, was this, that for some years the parliament laid the taxes upon very remote funds, so that, besides the distance of the term of payment, for which interest was allowed, the danger the government itself seemed to be often in, (upon the continuance of which the continuance and assignment of these funds was grounded,) made that some tallies were sold at a great discount, even of the one half, to those who would employ their money that way, by which great advantages were made. The gain that was made by robbing the coin, in which many goldsmiths were believed to be deeply concerned, contributed not a little to the raising those vast estates, to which some had grown, as suddenly as unaccountably. All these complaints were easily raised, and long kept up, on design to cast the heavier load on the former ministry: this made that ministry, who were sensible of the mischief this clamour did them, and of their own innocence, promote the bill with much zeal, and put the strongest clauses in it, that could be contrived to make it effectual. The commissioners named in the bill were the hottest men in the house, who had raised as well as kept up the clamour with the greatest earnestness. One clause put in the act was not very acceptable to the commissioners; for they were rendered incapable of all employments during the commission. The act carried a retrospect quite back to the revolution: it was given out, that great discoveries would be made by them, and the art and industry with which this was spread over England, had a great effect in the elections to the succeeding parliament. The coronation was on the

23d of April, on St. George's day; it was performed with the usual magnificence: the archbishop of York preached a good and wise sermon on the occasion. The queen, immediately after that, gave orders for naming the electoress of Brunswick in the collect for the royal family, as the next heir of the crown; and she formed a ministry. 1702.

A ministry formed.

The coldness had continued between the king and her to such a degree, that though there was a reconciliation after the queen's death, yet it went not much farther than what civility and decency required. She was not made acquainted with public affairs; she was not encouraged to recommend any to posts of trust and advantage; nor had the ministry orders to inform her how matters went, nor to oblige those about her: only pains had been taken to please the earl of Marlborough, with which he was fully satisfied: nothing had contented him better, than the command he had the former year of the troops which were sent to the assistance of the States[f]. The whigs had lived at a great distance 313

[f] I have often heard, that this was a designation of him by king William, for conducting the new war in case of his own death; and nothing could shew more greatness of mind than this did in the king, and that he was superior to any envy or resentments when the public good was concerned. He did not love the earl of Marlborough, and, it is said, had personal reasons enough for not doing it; but he knew his abilities for this great undertaking: and as the earl's relation of service or devotion to the successor, and chiefly his lady's interest and influence with her, were likely to throw the principal administration of affairs into his hands, upon a demise, the king proposed, by this early step, to engage the earl so much in the war, as to make it his particular interest to pursue it with vigour in the succeeding reign: and the then state of the king's health makes all this to be very probable; and it is not improbable, that he had this in his view so far back, as when he appointed the earl of Marlborough to be preceptor to the duke of Glocester. O.

1702. with the queen all the former reign: the tories had made much noise with their zeal for her, chiefly after the death of the duke of Glocester, though they came seldom to her: her court was then very thin, she lived in a due abstraction from business; so that she neither gave jealousy, nor encouraged faction: yet these things had made those impressions on her that had at first ill effects, which were soon observed and remedied. The late king had sent a message to the earl of Rochester, some weeks before he died, letting him know, that he had put an end to his commission of lord lieutenant of Ireland, but that was not executed in form; so the commission did still subsist in his person: he was upon that now declared lord lieutenant of Ireland. The lord Godolphin was made lord treasurer: this was very uneasy to himself, for he resisted the motion long; but the earl of Marlborough pressed it in so positive a manner, that he said he could not go beyond sea to command our armies, unless the treasury was put in his hands; for then he was sure that remittances would be punctually made to him[g]: he was de-

[g] Lord Godolphin would have been more uneasy if it had been put into any other hands: but constantly refused every thing that he was sure would be forced upon him. Lord Marlborough took early care to secure the treasury, which for eight years after was entirely converted to the gratification of his avarice and ambition, without the least remorse for what difficulties or straits the queen or public were subjected to; and when both were in the last distress, and exhausted by a long and most expensive war, would have a monument erected to his vanity at the public charge, the bridge in the avenue to which cost threescore thousand pounds, (the rest in proportion,) for a store house to lodge the plunder of his own country and good part of Europe in, with greater ostentation. And most dexterously, after the queen's death, he got forty thousand pounds out of what should have paid her servants, as a debt to him; the queen having, in the account

clared captain general, and the prince had the title of generalissimo of all the queen's forces by sea or land. It was for some time given out, that the prince intended to go beyond sea, to command the armies of the alliance; but this report soon fell; and it was said, the Dutch were not willing to trust their armies to the command of a prince, who might think it below him to be limited by their instructions, or to be bound to obey their orders. The late king had dissolved the commission for executing the office of the lord admiral, and had committed that great trust to the earl of Pembroke: the secrets of that board were so ill kept, and there was such a faction in it, that the king resolved to put it in a single person. The earl of Pembroke was not easily brought to submit to it: he saw it would draw a heavy load on him; and he was sensible, that by his ignorance of sea affairs, he might commit errors; yet he took good officers to his assistance: he resolved to command the fleet in person, and he took great pains to 1702.

given in to the house of commons, charged that sum as expended upon Blenheim, by which part of her own debt was contracted, and by that means it was twice paid. Besides above three hundred thousand pounds, as lord Oxford told me, the queen had allowed in monthly payments at the treasury, (though nobody believed the half was applied to the use pretended,) and the manor of Woodstock, with 5,000*l.* a year, rent charge, for ever, out of the post-office, for keeping of it in repair. D. (Evelyn makes the following observation in his Diary in December this year 1702. "After "the excesse of honour con- "ferr'd by the queene on the "earl of Marlborough, by mak- "ing him a knight of the gar- "ter, and a duke, for the suc- "cesse of but one campaign, "that he should desire 5,000*l.* "a yeare to be settled on him "by parliament out of the post "office, was thought a bold "and unadvised request, as he "had, besides his own consi- "derable estate, above 30,000*l.* "a yeare in places and em- "ployments, with 50,000*l.* at "interest." Evelyn's *Memoirs*, vol. II. p. 78. See below, note at p. 327, folio edit.)

1702. put things in such order that it might be soon ready. A land army was designed to go with the fleet, to the command of which the duke of Ormond had been named: but upon new measures, the earl of Pembroke was first sent to, not to go to sea in person, and soon after he was dismissed from his post, with the offer of a great pension, which he very generously refused, though the state of his affairs and family seemed to require it. The prince was made lord high admiral, which he was to govern by a council: the legality of this was much questioned, for it was a new court, which could not be authorized to act but by an act of parliament: yet the
314 respect paid the queen made that no public question was made of this, so that objections to it never went beyond a secret murmur. The earl of Nottingham and sir Charles Hedges were made secretaries of state: the tories would trust none but the earl of Nottingham, and he would serve with none but Hedges: the maxim laid down at court was, to put the direction of affairs in the hands of the tories. The earl of Marlborough assured me this was done, upon the promises they made to carry on the war, and to maintain the alliances: if they kept these, then affairs would go on smoothly in the house of commons; but if they failed in this, the queen would put her business in other hands, which at that time few could believe. The marquis of Normanby was, to the admiration of all men, made lord privy seal, and soon after duke of Buckingham: the earl of Abingdon, viscount Weymouth, lord Dartmouth, Seimour, Musgrave, Greenvil, How, Lucan (Levison O.) Gower, Harcourt, with several others, who had, during the last reign, expressed the most violent

and unrelenting aversion to the whole administration, were now brought to the council board, and put in good posts[h]. 1702.

Few refused the abjuration.

Before the king's death, it was generally thought, that some in both houses, and many more over the nation, would refuse the abjuration: they had opposed it so vehemently, that no less could be expected from them. Some went out of town when the day came, in which the houses resolved to try all their members; but they soon came to other resolutions, and with them almost the whole party came and took the oath, and professed great zeal for the queen, and an entire satisfaction in her title. Some suspected this was treachery, on design to get the government once into their hands, that so they might deliver it up, or at least that they might carry a parliament so to their mind, that the act might be repealed; and they might think, that then the oath would fall with it. Distinctions were set about among them, which heightened these suspicions; for though in the oath they declared, that the pretended prince of Wales had not any right whatsoever to the crown, yet in a paper (which I saw) that went about among them, it was said, that *right* was a term of law, which had only relation to *legal rights*, but not to a *divine right*, or to *birth right*:

[h] Musgrave never was of the council, nor Harcourt, till he was lord keeper. The violent unrelenting ill usage I met with in the last reign, after sir John Fenwick's trial, I thought justly entitled me to oppose any thing that was for his majesty's advantage, or personal satisfaction. Whatever the bishop would insinuate further, in relation to myself, is untrue: and he very well knew that I was one of the first that signed the voluntary association. I told the queen, the day she came to the crown, that I was all joy, without the least alloy; which she said she did most sincerely believe. D.

1702. so since that right was condemned by law, they, by abjuring it, did not renounce the *divine right*, that he had by his birth. They also supposed, that this abjuration could only bind, during the present state of things, but not in case of another revolution, or of a conquest: this was too dark a thing to be inquired after, or seen into, in the state matters were then in. The queen continued most of the great officers of the household, all the judges except two[i], and most of the lords lieutenants of counties; nor
315 did she make any change in the foreign ministry. It was generally believed that the earl of Rochester and his party were for severe methods, and for a more entire change, to be carried quite through all subaltern employments; but that the lord Godolphin and the earl of Marlborough were for more moderate proceedings: so that though no whigs were put into

[i] And they took out new commissions, which the old lord Trevor told me was owing to Holt's fears, and a notion he had entertained that their power being *commissions*, although they had them with the "quam diu se bene gesserit," determined upon the demise of the prince, who granted them. He said that Holt did it of a sudden, being then upon the circuit, and that the lawyers were generally of another opinion in it; and that he himself (Trevor) would have tried it with the crown when he was removed from being chief justice of the common pleas, at the accession of king George the first, if it had been new then. But see chief justice Hale's Pleas of the Crown, the manuscript of which Holt had seen, and it is said took this doctrine from it. Note, Jekyl, though much threatened with a prosecution, stood it out, after the death of king William, with regard to his patent of chief justice of Chester, and continued in the office by virtue of his old appointment. Quere, the difference. Trevor, master of the rolls, made the like claim to a continuance; but I have been told, that by way of caution, he procured a fresh patent. Quere, whether Jekyl, a master of the rolls, did so upon the accession of our present king George the second. —But this matter is now settled in favour of the judges by an act, George the third. O.

employments, yet many were kept in the posts they had been put into during the former reign. Repeated assurances were sent to all the allies, that the queen would adhere firmly to them [k]. 1702.

The queen in her first speech to her parliament, had renewed the motion, made by the late king, for the union of both kingdoms: many of those, who seemed now to have the greatest share of her favour and confidence, opposed it with much heat, and not without indecent reflections on the Scotch nation; yet it was carried by a great majority, that the queen should be empowered to name commissioners, for treating of an union: it was so visibly the interest of England, and of the present government, to shut that back-door against the practices of France, and the attempts of the pretended prince of Wales, that the opposition made to this first step towards an union, and the indecent scorn with The union of both kingdoms proposed.

[k] At this time the earl of Nottingham told me, the queen thought it necessary to send somebody she could trust to Hanover, and had pitched upon me as the proper person; and lord Godolphin told him he would take care I should have no cause to complain of my appointments. I told him I was very sensible that whoever was employed between her majesty and her successor, would sood burn his fingers, and did believe lord Godolphin thought of me for that very reason; therefore desired he would bring me off as well as he could, for positively I would not go. He fell a laughing, and said he thought I was in the right; but the difficulty would be, that an intimation had already been given, and the answer was, that nobody would be more acceptable. Upon this the earl of Winchelsea was sent, who, Mr. Cressit afterwards told me, was very unacceptable, having voted against their succession; and the princess Sophia let drop some words, that shewed she took it unkindly that I was not sent as first proposed; and he wished I had, for he believed it might have prevented a great deal of misunderstanding that happened after; for he was sure the electress would have opened herself very freely to me, and have believed any thing that I had assured her was for her service. D.

1702. which Seimour and others treated the Scots, were clear indications that the posts they were brought into had not changed their tempers: but that, instead of healing matters, they intended to irritate them farther, by their reproachful speeches. The bill went through both houses, notwithstanding the rough treatment it met with at first.

The war with France proclaimed.

Upon the earl of Marlborough's return from Holland, and in pursuance of the concert at the Hague, the queen communicated to both houses her design to proclaim war with France: they approving of it, war was proclaimed on the fourth day of May: the house of commons made an address to thank the queen, for ordering the princess Sophia to be prayed for: and as the right, that recommended her, was in her own blood; she was designed by her Christian name, and not by her title: it came to be known that this was opposed in council by the marquis of Normanby, but that it was promoted by the lord treasurer.

A false report of designs against the queen.

A report was spread about the town, and over the nation, with such a seeming assurance, that many were inclined to believe it, that a scheme had been found among the king's papers, for setting aside the queen; some added, for imprisoning her, and for bringing the house of Hanover immediately into the succession; and that, to support this, a great change was to be made in all the employments and offices over the whole kingdom: this, many of those who were now in posts had talked of in so public a manner, that it appeared they intended

316 to possess the whole nation with a belief of it; hoping thereby to alienate the people from those, who had been in the late king's confidence, and disgrace

all that side, in order to the carrying all elections of parliament for men of their party. Five lords had been ordered by the queen to visit the late king's papers, and bring her such of them, as related to the alliances, or other affairs of the crown: these were the dukes of Somerset and Devonshire, and the earls of Marlborough, Jersey, and Albemarle: the whigs saw the design which was driven at by those false reports; so a motion was made in the house of lords, by the earl of Carlisle, and seconded by the lords Wharton, Halifax, and others, that an inquiry should be made into the truth of that report, and of all other stories of that kind, that so, if there was any truth in them, such as had been concerned in those wicked designs might be punished; and if they were found to be false, that those who spread them about might be chastised. Upon this, the house desired that those lords, who had visited the late king's papers, would let them know, if they had met with any among them, relating to the queen's succession, or to the succession of the house of Hanover. Four of them were then in the house, only the earl of Marlborough was ill that day, so the four who were present said, they had found nothing that did in any sort relate to that matter, and this was confirmed by the earl of Marlborough to some peers, who were sent by the house, to ask him the same question. Upon which a vote passed, that these reports were false and scandalous; and an order was made for prosecuting the spreaders of them. Some books had been published, charging the late ministry and the whole whig party with the like designs: these books were censured, and the authors of them were ordered to be prosecuted; 1702.

1702. though both the marquis of Normanby and the earl of Nottingham did all they could to excuse those writers. When the falsehood of those calumnies was apparent, then it was given out, with an unusual confidence, that no such reports had been ever set about: though the contrary was evident, and the thing was boldly asserted in those books: so that a peculiar measure of assurance was necessary, to face down a thing, which they had taken such pains to infuse into the minds of the credulous vulgar, all England over[1]. The earl of Nottingham, to divert this inquiry, moved, that another might be made into those books, in which the murder of king Charles the first was justified; though the provocation given to some of these, was, by a sermon preached by Dr. Binks before the convocation, on the thirtieth of January, in which he drew a parallel between king Charles's sufferings and those of our Saviour: and, in some very indecent expres-

317 sions, gave the preference to the former. When the business of the session of parliament was all done, the queen dismissed them, with thanks for the money they had given, recommending earnestly to them a good agreement among themselves, assuring them, that as on the one hand she would maintain the toleration, so on the other hand her own principles would oblige her to have a particular regard to those who expressed the truest zeal for the church of England: thus the session ended, and the proclamation dissolving the parliament, with the writs for a new one, came out not long after.

The parliament is dissolved.

A convocation sat.

During some part of this parliament, a convocation sat: the faction raised in the lower house had

[1] (But see note at p. 299, folio edit.)

still the majority; several books were writ to shew, 1702.
that by our constitution, the power of adjourning was wholly in the archbishop: the original book of the convocation that sat in the year 1661 being happily found, it shewed the practice of that convocation agreed with the bishops in every particular: but though it was communicated to the lower house, that had no effect on them: for when parties are once formed, and a resolution is taken up on other considerations, no evidence can convince those who have beforehand resolved to stick to their point. But the prolocutor dying, and the king's death following, the convocation was by that dissolved: since in the act that empowered the parliament to sit after the king's death, no provision was made to continue the convocation. The earl of Rochester moved in the house of lords, that it might be considered, whether the convocation was not a part of the parliament, and whether it was not continued in consequence of the act that continued the parliament: but that was soon let fall, for the judges were all of opinion, that it was dissolved by the king's death.

Upon the queen's accession to the crown, all these angry men, that had raised this flame in the church, as they treated the memory of the late king with much indecent contempt, so they seemed very confident, that for the future all preferments should be distributed among them, (the queen having superseded the commission for ecclesiastical preferments,) and they thought they were full of merit, and were as full of hopes.

Societies for reformation.

Such an evil spirit as is now spread among the clergy, would be a sad speculation at any time, but in our present circumstances, when we are near so

1702. great a crisis, it is a dreadful thing: but a little to balance this, I shall give an account of more promising beginnings and appearances, which, though they are of an elder date, yet of late they have been brought into a more regulated form. In king James's reign, the fear of popery was so strong, as well as just, that many, in and about London, began to meet often together, both for devotion and for their fur-
318 ther instruction: things of that kind had been formerly practised only among the puritans and the dissenters: but these were of the church, and came to their ministers, to be assisted with forms of prayer and other directions: they were chiefly conducted by Dr. Beveridge and Dr. Horneck. Some disliked this, and were afraid it might be the original of new factions and parties; but wiser and better men thought it was not fit nor decent to check a spirit of devotion at such a time: it might have given scandal, and it seemed a discouraging of piety, and might be a mean to drive well-meaning persons over to the dissenters. After the revolution, these societies grew more numerous, and for a greater encouragement to devotion, they got such collections to be made, as maintained many clergymen to read prayers in so many places, and at so many different hours, that devout persons might have that comfort at every hour of the day: there were constant sacraments every Lord's day in many churches: there were both greater numbers and greater appearances of devotion at prayers and sacraments, than had been observed in the memory of man. These societies resolved to inform the magistrates of swearers, drunkards, profaners of the Lord's day, and of lewd houses; and they threw in the part of the fine, given by law to

informers, into a stock of charity: from this, they were called societies of reformation: some good magistrates encouraged them; but others treated them roughly [m]. As soon as the late queen heard of this, she did, by her letters and proclamations, encourage these good designs, which were afterwards prosecuted by the late king. Other societies set themselves to raise charity schools, for teaching poor children, for clothing them, and binding them out to trades: many books were printed, and sent over the nation by them, to be freely distributed: these were called societies for propagating Christian knowledge: by this means some thousands of children are now well educated and carefully looked after. In many places of the nation, the clergy met often together, to confer about matters of religion and learning; and they got libraries to be raised for their common use. At last a corporation was created by the late king, for propagating the gospel among infidels, for settling schools in our plantations, for furnishing the clergy that were sent thither, and for sending missionaries among such of our plantations as were not able to provide pastors for themselves. It was a glorious conclusion of a reign that was begun with preserving our religion, thus to create a corpo- 1702.

[m] The lord chief justice Holt, I have heard, was no friend to them. He did not, as it was thought, approve of voluntary combinations for putting laws in execution, which often ran into violences and personal revenges, and other irregularities; some persons too severely prosecuted, while others were connived at. He had met, it is said, with several instances of this, in the prosecutions carried on by this society, upon bad informations from their agents, called reforming constables, who seldom acted upon principle, and were often corrupted. He was, however, thought to be too much sharpened in this matter, and against some very good men, who meant very well in it. O.

1702. ration for propagating it to the remoter parts of the earth, and among infidels: there were very liberal subscriptions made to it, by many of the bishops and clergy, who set about it with great care and
319 zeal: upon the queen's accession to the crown, they had all possible assurances of her favour and protection, of which, upon every application, they received very eminent marks.

Affairs in Scotland.

The affairs of Scotland began to be somewhat embroiled: by an act made soon after the revolution, it was provided, that all princes succeeding to the crown, should take the coronation oath before they entered upon their regal dignity; but no direction was given concerning those who should tender it, or the manner in which it should be taken: so this being left undetermined, the queen called together all the late king's ministers for that kingdom, and in the presence of about twelve of them she took the coronation oath: men, who were disposed to censure every thing, said, that this ought not to be done, but in the presence of some, deputed for that effect, either by the parliament, or at least by the privy council of that kingdom. Another point occasioned a more important debate.

Upon the assassination plot, an act had passed in Scotland for continuing the parliament that should be then in being, six months after the death of the king, with two special clauses in it: the first was, that it should meet twenty days after the death of the king: but the queen did, by several prorogations, continue the parliament almost three months after the king's death before it was opened: some said the parliament was by this dissolved, since it did not meet upon the day limited by the act to

continue it; but there was another proviso in the act, that saved to the crown the full prerogative of adjourning or dissolving it within that time; yet in opposition to that it was acknowledged, that as to all subsequent days of meeting, the prerogative was entire, but the day that was limited, that is, the twenty-first after the king's death, seemed to be fixed for the first opening the session. 1702.

The second clause was, a limitation on the power of the parliament during their sitting, that it should not extend to the repealing laws; they were empowered only to maintain the protestant religion and the public peace of the country: it was therefore said, that the queen was peaceably obeyed, and the country now in full quiet, so there was no need of assembling the parliament: the end of the law being compassed, it was said, the law fell of it self, and therefore it was necessary to call a new parliament: for the old one, if assembled, could have no authority, but to see to the preservation of religion and the peace of the country, their power being limited to those two heads, by the act that authorized their sitting. In opposition to this it was said, that the act which gave them authority to sit as a parliament for six months, gave them the full authority of a parliament: the directing them to take care of some more important matters, did not hinder their meddling with other matters, since no parliament can limit a subsequent one: it was also said, that, since the queen was now engaged in a war, the public peace could not be secured, without such a force and such taxes to maintain it, as the present state of affairs required. The duke of Queensbury and his party were for continuing the parliament:

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1702. but duke Hamilton and the others, who had opposed that duke in the last parliament, complained highly of this way of proceeding: they said, they could not acknowledge this to be a legal parliament, they could not submit to it, but must protest against it: this was ominous; a reign was to be begun with a parliament, liable to a dispute; and from such a breach, it was easy to foresee a train of mischief likely to follow. These lords came up, and represented to the queen, and those in favour with her, their exceptions to all that was intended to be done; every thing they said was heard very calmly; but the queen was a stranger to their laws, and could not take it upon her to judge of them, so she was determined by the advice of the privy council of that kingdom. The lords that came up to oppose the duke of Queensbury, continued to press for a new parliament, in which they promised to give the queen all that she could ask of them, and to consent to an act of indemnity for all that was passed in the former reign: but it was thought, that the nation was then in too great a heat to venture on that; and that some more time was necessary to prepare matters, as well as men's minds, before a new parliament should be summoned. Both parties went down, and both being very sensible that the presbyterian interest would, with its weight, turn that scale into which it should fall, great pains were taken by both sides to gain that party. On the one hand, they were made to apprehend, what a madness it would be for them, to provoke the queen in the beginning of her reign, who might be enough disposed to entertain prejudices against them: these would be much heightened, if in a point in which

conscience could not be pretended, they should engage in a faction against her, especially when they could not say that any cause of jealousy was given: on the contrary, the queen had, in all her public letters, promised to maintain presbyterian government; and though that gave great offence in the late king's time, when those public letters were printed, yet now this passed without censure. The other party was as busy to inflame them; they told them the queen was certainly in her heart against them: all those who were now in her confidence, the earls of Rochester and Nottingham in particular, were enemies to presbyterian government: good words were now given them, to separate them from a national interest, knowing well, that if they went off from that, and so lost the hearts of the nation, they lost that in which their chief strength lay: the party that now governed, as soon as they should have carried the present point by their help, and rendered them odious by their concurring in it, would strengthen themselves at court, by entering into the episcopal interest, and trying to introduce episcopacy into Scotland: which would be soon brought about, if the presbyterians should once lose their popularity: these were the methods and reasonings that were used on both hands. 1702. 321

The parliament was brought together on the 9th of June: at the opening the session, duke Hamilton read a paper, importing that this was not a legal parliament, since the only ends for which they were empowered to meet were already obtained; the queen was obeyed, religion was secured, and the peace of the country was settled: so there seemed to be no occasion for their continuance. Upon which A session of parliament there.

1702. he and seventy-four more withdrew; but one hundred and twelve members continued to sit, and voted themselves to be a free and legal parliament, and declared, that, pursuant to their ancient laws, it was high treason to impugn their authority. They ratified all acts made in favour of presbyterian government, in which they proceeded with such violence, that sir Alexander Bruce moving that all those acts might be read, for he believed some of them might be found inconsistent with monarchy, he was for that expelled the house. They by one act recognised the queen's title; by another, they empowered her to name commissioners to treat of the union of the two kingdoms; and by a third, they gave a tax sufficient to keep up the force that was then in Scotland, for two years longer: and so the parliament was brought to a quiet conclusion.

Ireland was put under lords justices, named by the earl of Rochester, and the trustees continued still in their former authority.

Affairs in Germany.

While our affairs were in this posture at home, the first step that was made beyond sea, was by the house of Hanover; it had been concerted with the late king before his sickness, and was set on foot the week he died. The design was well laid, and the execution was managed with great secrecy: the old duke of Zell, and his nephew the elector of Brunswick, went in person with an army, that was rather inferior in strength to that of the dukes of Wolfembuttle; they entered their country, while their troops were dispersed in their quarters: they surprised some regiments of horse, and came and invested both Wolfembuttle and Brunswick at once, and cut off all communication between them: having them

at this disadvantage, they required them to concur in the common councils of the empire, to furnish their quota for its defence, and to keep up no more troops than were consistent with the safety of their neighbours; for it was well known, that the greatest part of their men were subsisted with French pay, and that they had engaged themselves to declare for France as soon as it should be required. Duke Rodolph, the elder brother, was a learned and pious prince; but as he was never married, so he had turned over the government to the care of his brother duke Anthony, who was a prince of a temper very much different from his brother's: he could not bear the advancement of the house of Hanover; so in opposition to them, he went into the interests of France: but being thus surprised, he went away in discontent, and his brother broke through all those measures in which he had involved himself: in conjunction with duke Anthony, the duke of Saxe Gotha had entered into the same engagements with France; but was now forced to fall into the common interests of the empire. 1702. 322

Thus all the north of Germany was united, and ready to declare against France; only the war in Poland was so near them, that they were obliged to continue armed, and see the issue of that war: the king of Sweden was engaged in it, with such a determined opposition to king Augustus, that there was no hope of treating a peace, though it was endeavoured both by England and the States: the king of Sweden seemed to have accustomed himself to fatigue and danger, so that he grew to love both; and though the Muscovites had fallen upon the frontiers of Sweden, where they had gained some advan- The war in Poland.

1702. tages, yet even that could not divert him from carrying on the war in Poland. A diet was summoned there, but it broke up in confusion, without coming to any conclusion, only they sent ambassadors to the king of Sweden to treat of a peace. The king of Prussia was very apprehensive of the consequences of this war, which was now in the neighbourhood of Prussia; and the king of Sweden threatened to invade Saxony with the troops that he had in Pomerania, which could not be done but through his territories. The king of Sweden delayed giving audience to the ambassadors of Poland; and marched on to Warsaw; so the king of Poland retired to Cracow, and summoned those palatines, who adhered to him, to come about him: when the king of Sweden came to Warsaw, he sent to the cardinal to summon a diet for choosing a new king: this went further than the resentments of the Poles yet carried them: but the rest of this matter will appear hereafter.

A treaty with the house of Bavaria.

All Germany was now united, only the two brothers of Bavaria. The court of Vienna set on foot several negotiations with the elector of Bavaria, but
323 all to no purpose: for that elector seemed only to hearken to their propositions, that he might make the better terms with France: the elector of Cologn put Liege, and all the places that he had on the Rhine, except Bonne, into the hands of the French: it was said, that he kept Bonne, hoping to be able to make his peace with the emperor, by putting that into his possession; but he was prevailed on afterwards to deliver that likewise to the French. In this, the elector acted against the advice of all his council; and as the dean of Liege was making some opposition to him, he was seized on, and carried

away prisoner in a barbarous manner: the elector, to excuse his letting the French into his country, pretended, he only desired the assistance of some of the troops of the circle of Burgundy, to secure his dominions: for as France was not ashamed of the slightest pretences, so she taught her allies to make excuses unbecoming the dignity of princes. 1702.

The first step of this war was to be made in the name of the elector Palatine, in the siege of Keiserwert, which, whilst in the enemies hands, exposed both the circle of Westphalia, and the States dominions: for their places on the Whall, being in no good condition, were laid open to the excursions of that garrison. Negotiations were still carried on in several courts: Methuen was sent to try the court of Portugal; he came quickly back, with full assurances of a neutrality, and a freedom of trade in their ports; insinuations were given of a disposition to go further, upon a better prospect and better terms; so he was presently sent back, to drive that matter as far as it would go. The pope pretended he would keep the neutrality of a common father, but his partiality to the French appeared on many occasions: yet the court of Vienna had that veneration for the see, that they contented themselves with expostulating, without carrying their resentments further. The Venetians and the great duke followed the example set them by the pope, though the former did not escape so well, for their country suffered on both hands. The siege of Keiserwert.

The prince of Baden drew together the troops of the empire; he began with blocking up Landaw, and that was soon turned to a siege: Catinat was sent to command the French army in Alsace, but it The siege of Landaw.

1702. was so weak, that he was not able to make head with it. In the end of April, the Dutch formed three armies; one, under the prince of Nassau, undertook the siege of Keiserwert; another was commanded by the earl of Athlone, and lay in the duchy of Cleve, to cover the siege; a third, commanded by Cohorn, broke into Flanders, and put a great part of that country under contribution. Mareschal Bouflers drew his army together, and having laid up great magazines in Ruremonde and Venlo, he passed the Maese with his whole army. The duke of Bur-
324 gundy came down post from Paris, to command it: the States apprehended that so great a prince would, at his first appearance, undertake somewhat worthy of him, and thought the design might be upon Maestricht: so they put twelve thousand men in garrison there: the auxiliary troops from Germany did not come so soon as was expected, and cross winds stopped a great part of our army: so that the earl of Athlone was not strong enough to enter into action with mareschal Bouflers; but he lay about Cleve, watching his motions. The siege of Keiserwert went on slowly: the Rhine swelling very high, so filled their trenches, that they could not work in them. Mareschal Tallard was sent to lie on the other side of the Rhine, to cannonade the besiegers, and to send fresh men into the town: the king of Prussia came to Wezel, from whence he furnished the besiegers with all that was necessary. There was one vigorous attack made, in which many were killed on both sides: in conclusion, after a brave defence, the counterscarp was carried, and then the town capitulated, and was raised according to agreement. When the duke of Burgundy saw that the

Keiserwert taken.

siege could not be raised, he tried to get between the earl of Athlone and Nimeguen: the design was well laid, and wanted little of being punctually executed: it must have had fatal effects, had it succeeded: for the French would either have got into Nimeguen, or have forced the earl of Athlone to fight at a great disadvantage. But the earl of Athlone so carefully watched their motions, that he got before them, under the cannon of Nimeguen; yet by this means he was forced to abandon Cleve. The French discharged their fury upon that town, and on the park, and all the delicious walks of that charming place, little to the honour of the prince who commanded the army: for upon such occasions, princes are apt to be civil to one another, and not to make havock of such embellishments as can be of no use to them. The earl of Athlone's conduct on this occasion raised his credit, as much as it sunk Bouflers', who, though he had the superior army, animated by the presence of so great a prince, yet was able to do nothing; but was unsuccessful in every thing that he designed; and his parties, that at any time were engaged with those of the earl of Athlone, were beaten almost in every action. 1702.

The earl of Marlborough commands the army.

Soon after this, the earl of Marlborough came over, and took the command of the army. The earl of Athlone was set on, by the other Dutch generals, to insist on his quality of velt marshal, and to demand the command by turns: he was now in high reputation by his late conduct, but the States obliged him to yield this to the earl of Marlborough, who indeed used him so well, that the command seemed to be equal between them. The earl of Athlone was always inclined to cautious and sure, but feeble 325

1702. counsels: but the earl of Marlborough, when the army was brought together, finding his force superior to the duke of Burgundy, passed the Maese at the Grave, and marched up to the French; they retired as he advanced: this made him for venturing on a decisive action, but the Dutch apprehended the putting things to such a hazard, and would not consent to it. The pensioner, and those who ordered matters at the Hague, proceeded the more timorously, because, upon the king's death, those who had always opposed him, were beginning to form parties, in several of their towns, and were designing a change of government: so that a public misfortune in their conduct would have given great advantages to those who were watching for them. The pensioner was particularly aimed at: this made him more unwilling to run any risk. Good judges thought, that if the earl of Marlborough's advices had been followed, matters might have been brought to a happy decision: but as he conducted the army prudently, so he was careful not to take too much upon him. The duke of Burgundy finding himself obliged to retreat, as the confederate army advanced, thought this was not suitable to his dignity; so he left the army, and ended his first campaign very ingloriously; and it seems, the king was not satisfied with mareschal Bouflers, for he never commanded their armies since that time. The earl of Marlborough went on, taking several places, which made little or no resistance; and seeing that mareschal Bouflers kept at a safe distance, so that there was no hope of an engagement with him, he resolved to fall into the Spanish Guelder: he began with Venlo. There was a fort on the other side of the river, that commanded

it, which was taken by the lord Cutts in so gallant a manner, that it deserved to be much commended by every body but himself: but he lost the honour that was due to many brave actions of his, by talking too much of them: the young earl of Huntington shewed upon this, as upon many other occasions, an extraordinary heat of courage: he called to the soldiers, who had got over the pallisadoes, to help him over, and promised them all the money he had about him, which he performed very generously, and led them on with much bravery and success: upon the fort's being taken, the town capitulated. Ruremonde and Stevenzwert were taken in a few days after; for mareschal Bouflers did not come to their relief. Upon these successes, that came quicker than was expected, the earl of Marlborough advanced to Liege, which was a place of more importance, in which he might put a great part of his army in winter quarters: the town quickly capitulated; the citadel was carried by storm, and another fort in the town likewise surrendered. Here was a very prosperous campaign: many places were taken with little resistance, and an inconsiderable loss, either of time or of men. The earl of Marlborough's conduct and deportment gained him the hearts of the army: the States were highly satisfied with every thing he did, and the earl of Athlone did him the justice to own, that he had differed in opinion from him in every thing that was done: and that therefore the honour of their success was wholly owing to him. 1702. 326

The earl of Marlborough taken by a party of the French, got out of their hands.

The campaign was kept open till November, and at the end of it an accident happened, that had almost lost the advantages and honour got in it. The earl of Marlborough thought the easiest and quickest,

1702. as well as the safest way of returning to the Hague, was by some of those great boats that pass on the Maese: there was one company in the boat in which he went, and two companies went in another, that was to be before him: there were also some troops ordered, to ride along the banks for their guard. The great boat that went before, sailed away too quick, and the horse mistook their way in the night: the French had yet the town of Guelder in their hands, which was indeed all they had of the Spanish Guelder: a party from thence was lying on the banks of the river, waiting for an adventure, and they seized this boat, the whole company being fast asleep: so they had now both the earl of Marlborough and Opdam, one of the Dutch generals, and Gueldermalsen, one of the States' deputies, in their hands: they did not know the earl of Marlborough, but they knew the other two. They both had passes, according to a civility usually practised among the generals of both sides. The earl of Marlborough's brother had a pass, but his ill health made him leave the campaign, so his pass was left with his brother's secretary, and that was now made use of for himself. It is true, the date of the pass was out, but they being in haste, and in the night, that was not considered: the boat was rifled, and they took presents from those who they believed were protected by their passes: so, after a stop of some hours, they were let go, and happily escaped the danger. The news of their being taken got before them to the Hague; upon which the States immediately met, under no small consternation: they sent orders to all their forces, to march immediately to Guelder, and to threaten the garrison

with all extremities, unless they should deliver the prisoners: and never to leave the place, till they had either taken it, or had the generals delivered to them. But before these orders could be despatched, the earl of Marlborough came to the Hague, where he was received with inexpressible joy, not only by the States, but by all the inhabitants: for he was beloved there to a high degree. Soon after his return to England, the queen made him duke of Marlborough; and both houses of parliament sent some of their number to him, with their thanks for the great services he had done this campaign [n]. 1702. 327

The campaign likewise ended happily on the upper Rhine: Landaw was taken after a long siege: the king of the Romans came in time to have the honour of taking it: but with so great a train, and so splendid an equipage, that the expense of it put all the emperor's affairs in great disorder; the most necessary things being neglected, while a needless piece of pomp devoured so great a part of their treasure. The siege was stopped some weeks for want of ammunition, but in conclusion the place was taken. Landaw was taken.

The necessities of the king of France's affairs, forced him at this time to grant the elector of Bavaria all his demands: it is not yet known what they were: but the court of France did not agree to what he asked, till Landaw was given for lost: and then seeing that the prince of Baden might have overrun all the Hondruck, and carried his winter quarters into the neighbourhood of France;

[n] (But the queen's proposal to parliament of settling for ever on him and his heirs his pension of 5000*l.* a year, payable from the post office, was negatived by the present house of commons, and not complied with till the next parliament. See Tindal's and Oldmixon's Histories.)

1702. it was necessary to gain this elector on any terms: if this agreement had been sooner made, probably the siege, how far soever it was advanced, must have been raised. The elector made his declaration, when he possessed himself of Ulm, which was a rich free town of the empire: it was taken by a stratagem, that, how successful soever it proved to the elector, was fatal to him who conducted it; for he was killed by an accident, after he was possessed of the town. This gave a great alarm to the neighbouring circles and princes, who called away their troops from the prince of Baden, to their own defence; by this means, his army was much diminished; but with the troops that were left him, he studied to cut off the communication between Strazbourg and Ulm. The emperor, with the diet, proceeded according to their forms against the elector: but he was now engaged, and continued firm to the interests of France. Mareschal Villars, who commanded the French army in Alsatia, had orders to break through the Black forest, and join the Bavarians: his army was much superior to the prince of Baden; but the latter had so posted himself, that, after an unsuccessful attempt, Villars was forced to return to Strazbourg.

The elector of Bavaria declares for France.

The war in Italy. In Italy, the duke of Vendome began with the relief of Mantua, which was reduced to great extremities by the long blockade prince Eugene had kept about it: he had so fortified the Oglio, that the duke of Vendome apprehending the difficulty of forcing his posts, marched through the Venetian territories (notwithstanding the protestations of the republic against it) and came to Goito, with a great convoy for Mantua. Prince Eugene drew his army

all along the Mantuan Fossa, down to Borgofortes; 1702.
he was forced to abandon a great many places, but 328
apprehending that Bersello might be besieged, and considering the importance of that place, he put a strong garrison in it. He complained much, that the court of Vienna seemed to forget him; and did not send him the reinforcements they had promised: it was thought, that his enemies at that court, under colour of supporting the king of the Romans in his first campaign, were willing to neglect every thing that related to him: by this means, the best army the emperor ever had, was left to moulder away to nothing.

King Philip took a very extraordinary resolution of going over to Italy, to possess himself of the kingdom of Naples, and to put an end to the war in Lombardy; he was received at Naples with outward splendour, but he made little progress in quieting the minds of that unruly kingdom: he did not obtain the investiture of it from the pope, though he sent him a cardinal legate, with a high compliment: the Germans thought this was too much, while the French thought it was not enough; yet upon it the emperor's ambassador left Rome. King Philip was conducted from Naples to Final by the French fleet, that had carried him from Barcelona to Naples. As he was going to command the duke of Vendome's army, he was met by the duke of Savoy, of whom there was some jealousy, that, having married his two daughters so greatly, he began now to discern his own distinct interest, which called upon him to hinder the French from being masters of the Milanese. King Philip wrote to the duke of Vendome, not to fight prince Eugene,

King Philip went to Italy.

1702. till he could join him: he seemed jealous, lest that prince should be driven out of Italy, before he could come to share in the honour of it; yet when he came, he could do nothing, though prince Eugene was miserably abandoned by the court of Vienna. Count Mansfield, president of the council of war, was much suspected, as corrupted by France: the supplies promised were not sent into Italy: the apprehensions they were under of the elector of Bavaria's declaring, some time before he did it, gave a colour to those, who were jealous of prince Eugene's glory, to detain the recruits and troops that had been promised to him, for the emperor's own defence: but though he was thus forsaken, yet he managed the force he had about him with great skill and conduct. When he saw Luzara was in danger, he marched up to the king of Spain; and as that king very oddly expressed it, in a letter to the king of France, he had the boldness (*audace*) to attack him, but, which was worse, he had the boldness likewise to beat him; and if he had not been shut in by rivers, and the narrowness of the ground, very
329 probably he would have carried the advantage he had in that engagement much further. The ill state of his affairs forced him upon that desperate action, in which he succeeded beyond expectation: it put the French to such a stand, that all they could do after this, was only to take Luzara, and some other inconsiderable places; but prince Eugene still kept his posts. King Philip left the army, and returned, after an inglorious campaign, into Spain; where the grandees were much disgusted, to see themselves so much despised, and their affairs wholly conducted by French councils. The French

tried, by all possible methods, to engage the Turks into a new war with the emperor; and it was believed that the grand vizier was entirely gained, though the mufti, and all who had any credit in that court, were against it. The grand vizier was strangled, and so this design was prevented. 1702.

The court of France was in a management with the cardinal primate of Poland, to keep that kingdom still embroiled: the king of Sweden marched on to Cracow, which was much censured as a desperate attempt, since a defeat there must have destroyed him and his army entirely, being so far from home. He attacked the king of Poland, and gave him such an overthrow, that, though the army got off, he carried both their camp and artillery. He possessed himself of Cracow, where he stayed some months, till he had raised all the money they could produce: and though the Muscovites with the Lithuanians destroyed Livonia, and broke into Sweden, yet that could not call him back. The duke of Holstein, who had married his eldest sister, was thought to be gained by the French, to push on this young king, to prosecute the war with such an unrelenting fury, in which he might have a design for himself, since the king of Sweden's venturing his own person so freely, might make way for his duchess to succeed to the crown. That duke was killed in the battle of Cracow. There was some hopes of peace this winter, but the two princes were so exasperated against one another, that it seemed impossible to compose that animosity: this was very unacceptable to the allies; for both kings were well inclined to support the confederacy, and to engage in the war against France, if their own quarrels could have

Affairs in Poland.

1702. been made up. The king of Sweden continued still so virtuous and pious in his whole deportment, that he seemed to be formed to be one of the heroes of the reformation. This was the state of affairs on the continent during this campaign.

An insurrection in the Cevennes.

One unlooked for accident sprung up in France: an insurrection happened in the Cevennes in Languedoc; of which I can say nothing that is very particular, or well assured. When it first broke out, it was looked on as the effect of oppression and despair, which would quickly end in a scene of blood; but it had a much longer continuance than was expected; and it had a considerable effect on the affairs of France; for an army of ten or twelve
330 thousand men, who were designed either for Italy or Spain, was employed, without any immediate success in reducing them.

The English fleet sent to Cadiz.

I now change the element, to give an account of our operations at sea. Rook had the command: the fleet put to sea much later than we hoped for: the Dutch fleet came over about a month before ours was ready: the whole consisted of fifty ships of the line, and a land army was put on board, of twelve thousand men, seven thousand English and five thousand Dutch. Rook spoke so coldly of the design he went upon, before he sailed, that those who conversed with him were apt to infer, that he intended to do the enemy as little harm as possible. Advice was sent over from Holland, of a fleet that sailed from France, and was ordered to call in at the Groyne. Munden was recommended by Rook to be sent against this fleet; but though he came up to them with a superior force, yet he behaved himself so ill and so unsuccessfully, that a council of war

was ordered to sit on him. They indeed acquitted him; some excusing themselves by saying, that if they had condemned him, the punishment was death: whereas they thought his errors flowed from a want of sense; so that it would have been hard to condemn him, for a defect of that which nature had not given him. Those who recommended him to the employment seemed to be more in fault. This acquittal raised such an outcry, that the queen ordered him to be broke. Rook, to divert the design that he himself was to go upon, wrote up from St. Helen's, that the Dutch fleet was victualled only to the middle of September; so, they being then in July, no great design could be undertaken, when so large a part of the fleet was so ill provided. When the Dutch admiral heard of this, he sent to their ambassador, to complain to the queen of this misinformation: for he was victualled till the middle of December. They were for some time stopped by contrary winds, accidents, and pretences, many of which were thought to be strained and sought for: but the wind being turned wholly favourable, after some cross winds, which had rendered their passage slow and tedious, they came on the 12th of August into the bay of Cadiz. Rook had laid no disposition beforehand, how to proceed upon his coming thither: some days were lost on pretence of seeking for intelligence: it is certain, our court had false accounts of the state the place was in, both with relation to the garrison and the fortifications: the garrison was much stronger, and the fortifications were in a better case than was represented. The French men of war, and the galleys that lay in the bay, retired within the Puntals. In the first surprise it had been 1702.

1702. easy to have followed them, and to have taken or burnt them; which Fairborn offered to execute, but Rook and the rest of his creatures did not approve of this. Some days were lost before a council of war was called; in the mean while, the duke of Ormond sent some engineers and pilots to sound the
331 south side of Cadiz, near the island of St. Pedro: but while this was doing, the officers, by the taking of some boats, came to know, that those of Cadiz had sent over the best of their goods and other effects to the port of St. Maries, an open village over against it, on the continent of Spain; so that here was good plunder to be had easily, whereas the landing on the isle of Cadiz was like to prove dangerous, and, as some made them believe, impracticable. In the council of war, in which their instructions were read, it was proposed to consider, how they should put them in execution; Haro, one of the general officers, made a long speech against landing [o]: he shewed how desperate an attempt it would prove, and how different they found the state of the place from the representation made of it in England: the greater number agreed with him, and all that the duke of Ormond could say to the contrary was of no effect. Rook seemed to be of the same mind with the duke, but all his dependents were of another opinion; so this was thought to be a piece of craft in him. In conclusion, the council of war came to a resolution, not to make a descent on the island of Cadiz: but before they broke up, those whom the

[o] Hara, afterwards lord Tyrawly. He was deemed a very good officer, and was very brave: but such men, like other men, love plunder. The affair of St. Maries was a most scandalous instance of it. O.

duke had sent to sound the landing-places on the south-side, came and told them, that as they might land safely, so the ships might ride securely on that side; yet they had no regard to this, but adhered to their former resolution, nor were there any orders given for bombarding the town. The sea was for the most part very high while they lay there, but it was so calm for one day, that the engineers believed they could have done much mischief; but they had no orders for it: and indeed it appeared very evidently, that they intended to do nothing but rob St. Maries. 1702.

A landing on the continent was resolved on; and though the sea was high, and the danger great, yet the hope of spoil made them venture on it; they landed at Rota; a party of Spanish horse seemed to threaten some resistance, but they retired, and so our men came to St. Maries, which they found deserted, but full of riches: both officers and soldiers set themselves with great courage against this tempting but harmless enemy; some of the general officers set a very ill example to all the rest; chiefly Haro and Bellasis. The duke of Ormond tried to hinder it, but did not exert his authority; for if he had made some examples at first, he might have prevented the mischief that was done: but the whole army running so violently on the spoil, he either was not able, or, through a gentleness of temper, was not willing, to proceed to extremities. He had published a manifesto, according to his instructions, by which the Spaniards were invited to submit to the emperor; and he offered his protection to all that came in to him: but the spoil of St. Maries was thought an ill commentary on that text. After some days of un- They landed, and robbed St. Maries.

1702. fruitful trials, on the forts of that side, it appeared that nothing could be done; so about the middle of
332 September, they all reembarked. Some of the ships' crews were so employed in bringing and bestowing the plunder, that they took not the necessary care to furnish themselves with fresh water. Rook, without prosecuting his other instructions, in case the design on Cadiz miscarried, gave orders only for a squadron to sail to the West Indies, with some land forces; and though he had a fleet of victuallers that had provisions to the middle of December, he ordered them to sail home; by this means, the men of war were so scantily furnished, that they were soon forced to be put on short allowance. Nor did Rook send advice-boats, either to the ports of Algarve or to Lisbon, to see what orders or advices might be lying for him, but sailed in a direct course for England: but some ships, not being provided with water for the voyage to England, touched on the coast of Algarve to take in water.

The galleons put in at Vigo.

They met with intelligence there, that the Spanish plate fleet, with a good convoy of French men of war, had put in at Vigo, a port in Galicia, not far from Portugal; where the entrance was narrow, and capable of a good defence. It widened within land, into a bay or mouth of a river, where the ships lay very conveniently: he who commanded the French fleet ordered a boom to be laid cross the entrance, and forts to be raised on both sides: he had not time to finish what he designed, otherwise the place had been inaccessible: but as it was, the difficulty in forcing this port was believed to be greater than any they would have met with, if they had landed on the isle of Cadiz. As soon as this

fleet had put in at Vigo, Methuen, the queen's minister at Lisbon, sent advertisements of it to all the places, where he thought our advice-boats might be ordered to call: Rook had given no orders for any to call, and so held on his course towards cape Finisterre: but one of his captains, Hardy, whilst he watered in Algarve, heard the news there; upon which, he made all the sail he could after Rook, and overtook him. Rook upon that turned his course towards Vigo, very unwillingly, as was said, and finding the advice was true, he resolved to force his way in. 1702.

The duke of Ormond landed with a body of the army, and attacked the forts with great bravery, while the ships broke the boom, and forced the port. When the French saw what was done, they left their ships, and set some of the men of war and some of the galleons on fire: our men came up with such diligence, that they stopped the progress of the fire, yet fifteen men of war and eight galleons were burnt or sunk; but our men were in time to save five men of war and five galleons, which they took. Here was a great destruction made, and a great booty taken, with very little loss on our side. One of our ships was set on fire by a fire-ship, but she too was saved, though with the loss of some men; which was all the loss we sustained in this important action. The duke of Ormond marched into the country, and took some forts, and the town of Ri- 333
tondella, where much plunder was found: the French seamen and soldiers escaped, for we, having no horse, were not in a condition to pursue them: the Spaniards appeared at some distance in a great body: but they did not offer to enter into any ac-

But they were burnt or taken by the English.

1702. tion with the duke of Ormond: it appeared, that the resentments of that proud nation, which was now governed by French councils, were so high, that they would not put themselves in any danger, or to any trouble, even to save their own fleet, when it was in such hands.

After this great success, it came under consultation, whether it was not advisable to leave a good squadron of ships with the land forces to winter at Vigo: the neighbourhood of Portugal made that they could be well furnished with provisions and all other necessaries from thence: this might also encourage that king to declare himself, when there was such a force and fleet lying so near him: it might likewise encourage such of the Spaniards, as favoured the emperor, to declare themselves, when they saw a safe place of retreat, and a force to protect them: the duke of Ormond, upon these considerations, offered to stay, if Rook would have consented; but he excused it; he had sent home the victuallers with the stores; and so he could not spare what was necessary for such as would stay there: and indeed he had so ordered the matter, that he could not stay long enough to try, whether they could raise and search the men of war and the galleons that were sunk: he was obliged to make all possible haste home; and if the wind had turned to the east, which was ordinary in that season, a great part of our ships' crews must have died of hunger.

The English fleet came back to England.

The wind continued favourable, so they got home safe, but half starved. Thus ended this expedition, which was ill projected, and worse executed[p]. The

[p] Will not that be some excuse for Rook's being against it at the beginning? O.

duke of Ormond told me, he had not half the ammunition that was necessary for the taking Cadiz, if they had defended themselves well: though he believed they would not have made any great resistance, if he had landed on his first arrival, and not given them time to recover from the disorder into which the first surprise had put them. A great deal of the treasure taken at Vigo was embezzled, and fell into private hands: one of the galleons foundered at sea. The public was not much enriched by this extraordinary capture, yet the loss our enemies made by it was a vast one; and to complete the ruin of the Spanish merchants, their king seized on the plate that was taken out of the ships upon their first arrival at Vigo. Thus the campaign ended, very happily for the allies, and most gloriously for the queen, whose first year, being such a continued course of success, gave a hopeful presage of what might be hereafter expected. 1702.

The session of parliament comes next to be related: the queen did not openly interpose in the elections, but her inclination to the tories appearing plainly, all people took it for granted, that she wished they might be the majority: this wrought on the inconstancy and servility that is natural to multitudes: and the conceit, which had been infused and propagated with much industry, that the whigs had charged the nation with great taxes, of which a large share had been devoured by themselves, had so far turned the tide, that the tories in the house of commons were at least double the number of the whigs. They met full of fury against the memory of the late king, and against those who had been employed by him. The first instance wherein this A new parliament. 334

1702. appeared was in their address to the queen, congratulating her great successes; they added, that by her wise and happy conduct, the honour of the kingdom was *retrieved*. The word *retrieved* implying that it was formerly lost, all that had a just regard to the king's memory opposed it: he had carried the honour of the nation further than had been done in any reign before his: to him they owed their preservation, their safety, and even the queen's being on the throne: he had designed and formed that great confederacy, at the head of which she was now set. In opposition to this it was now said, that during his reign things had been conducted by strangers, and trusted to them; and that a vast treasure had been spent in unprofitable campaigns in Flanders. The partition treaty, and every thing else with which the former reign could be loaded, was brought into the account, and the keeping the word *retrieved* in the address was carried by a great majority; all that had favour at court, or hoped for any, going into it. Controverted elections were judged in favour of tories, with such a barefaced partiality, that it shewed the party was resolved on every thing that might serve their ends.

Great partiality in judging elections.

Of this I shall only give two instances: the one was of the borough of Hindon, near me at Salisbury, where, upon a complaint of bribery, the proof was so full and clear, that they ordered a bill to disfranchise the town for that bribery, and yet, because the bribes were given by a man of their party, they would not pass a vote on him as guilty of it: so that a borough was voted to lose its right of electing, because many in it were guilty of a corruption, in which no man appeared to be the actor. The

other was of more importance; and because it may be set up for a precedent, I will be more particular in the report: Mr. John How had been vice-chamberlain to the late queen, but missing some of those advantages that he had proposed to himself, he had gone into the highest opposition that was made in the house of commons to the court, during the last reign: not without many indecent reflections on the person of the late king; and a most virulent attacking of all his ministers. He was a man of some wit [q], but of little judgment, and of small principles of religion: he stood knight of the shire for Glocestershire; and had drawn a party in that county to join with him in an address to the queen, in which reflections were made on the danger and ill usage she had gone through in the former reign. This address was received by the queen in so particular a manner, that it looked like the owning that the contents of it were true; but she made such an excuse for this, when the offence it gave was laid before her, that probably she was not acquainted with the matter of the address when she so received it. Upon this, great opposition was made to his election. When it came to the poll, it appeared he had lost it; so the sheriff was moved for a scrutiny, to examine, whether all those who had sworn, that they were freeholders of forty shillings a year, had sworn true. By the act of parliament, the matter was referred to the parties' oath, and their swearing false was declared perjury: therefore, such as had sworn falsely were liable to a prosecution: but by all laws, an oath is looked upon as an end of

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[q] And of great spirit in his speaking. O.

1702. controversy, till he who swore is convict of perjury: and the sheriff, being an officer named by the court, if he had a power to review the poll, this put the election of counties wholly in the power of the crown: yet upon this occasion the heat of a party prevailed so far, that they voted How duly elected[r].

All the supply agreed to.

The house of commons very unanimously, and with great despatch, agreed to all the demands of the court, and voted all the supplies that were necessary for carrying on the war. Upon the duke of Marlborough's coming over, a new demand for an additional force was made, since the king of France had given out commissions for a great increase of his armies: upon that, the States moved the queen for ten thousand more men: this was consented to, but with a condition, which how reasonable soever it might be in itself, yet the manner in which it was managed shewed a very ill disposition towards the Dutch; and in the debate they were treated very indecently. It was insisted on, that before the pay of these new troops should begin, the States should prohibit all trade with France, and break off all correspondence with that kingdom. It was indeed true, that France could not have supplied their armies in Italy but by the means of this secret

[r] By a great and shameful majority. The petition complained of the sheriff's granting a scrutiny, (which I think he might do, however hazardous to himself, perhaps ought to do, when properly demanded, and the matter feasible;) but it complained also of the election and return, and without entering at all into the merits of the election, and the counsel being withdrawn upon the point of the scrutiny only, How was voted duly elected. It was at the motion of sir Simon (afterwards lord) Harcourt, [who] was often reproached with it to his face: but he was a man without shame, although very able. O.

trade; so it was reasonable to break it; but the imposing it on the Dutch, in the manner in which this was pressed, carried in it too high a strain of authority over them. Theirs is a country that subsists not by any intrinsic wealth of their own, but by their trade; some seemed to hope, that the opposition which would be raised on this head might force a peace, at which many among us were driving so indecently, that they took little care to conceal it. The States resolved to comply with England in every thing; and though they did not like the manner of demanding this, yet they readily consented to it. The ordinary business of a session of parliament was soon despatched, no opposition being made to the supply, at which, in the former reign, things stuck longest. 1702.

When those matters were settled, a bill was brought in by the tories against occasional conformity, which produced great and long debates [s]: by this bill, all those who took the sacrament and test, (which by the act passed in the year 1673, was made necessary to those who held offices of trust, or were magistrates in corporations, but was only to be taken once by them,) and did after that go to the 336 A bill against occasional conformity.

[s] This impertinent bill had its first rise from sir Humphrey Edwin's having carried the city sword to a meeting-house, which gave great offence. Upon which, Mr. John How moved in the house of commons to bring in a bill to prevent hypocrisy in religion; without further design, as he told me, than to expose the dissenters, and shew what rogues they were: but the earl of Nottingham thought great use might be made of it, and persuaded Mr. Bromley to bring in this bill. Nobody besides the bishop of Salisbury pretended to justify the practice, and nobody besides the earl of Nottingham thought it would signify any thing for the end proposed: but provoke the dissenters to very little purpose. But it was afterwards frequently taken up to inflame parties and distress the court, as opportunities offered themselves to either side. D.

1702. meetings of dissenters, or any meeting for religious worship that was not according to the liturgy or practice of the church of England, where five persons were present more than the family, were disabled from holding their employments, and were to be fined in an hundred pounds, and in five pounds a day for every day in which they continued to act in their employments, after their having been at any such meeting: they were also made incapable to hold any other employment, till after one whole year's conformity to the church, which was to be proved at the quarter session: upon a relapse, the penalty and the time of incapacity were doubled: no limitation of time was put in the bill, nor of the way in which the offence was to be proved: but whereas the act of the test only included the magistrates in corporations, all the inferior officers or freemen in corporations, who were found to have some interest in the elections, were now comprehended within this bill. The preamble of the bill asserted the toleration, and condemned all persecution for conscience sake, in a high strain: some thought the bill was of no consequence, and that, if it should pass into a law, it would be of no effect; but that the occasional conformists would become constant ones. Others thought, that this was such a breaking in upon the toleration, as would undermine it, and that it would have a great effect on corporations; as indeed the intent of it was believed to be the modelling elections, and, by consequence, of the house of commons.

Great debates about it.

On behalf of the bill, it was said, the design of the test act was, that all in office should continue in the communion of the church; that coming only

once to the sacrament for an office, and going afterwards to the meetings of dissenters, was both an eluding the intent of the law, and a profanation of the sacrament, which gave great scandal, and was abhorred by the better sort of dissenters. Those who were against the bill said, the nation had been quiet ever since the toleration, the dissenters had lost more ground and strength by it than the church; the nation was now engaged in a great war; it seemed therefore unreasonable to raise animosities at home, in matters of religion, at such a time; and to encourage a tribe of informers, who were the worst sort of men: the fines were excessive; higher than any laid on papists by law; and since no limitation of time nor concurrence of witnesses was provided for in the bill, men would be for ever exposed to the malice of a bold swearer or wicked servant: it was moved, that since the greatest danger of all was 337 from atheists and papists, that all such as received the sacrament for an office should be obliged to receive it three times a year, which all were by law required to do; and to keep to their parish church at least one Sunday a month; but this was not admitted. All who pleaded for the bill, did in words declare for the continuance of the toleration, yet the sharpness with which they treated the dissenters in all their speeches, shewed as if they designed their extirpation. The bill was carried in the house of commons by a great majority. The debates held longer in the house of lords: many were against it, because of the high penalties: some remembered the practice of informers in the end of king Charles's reign, and would not consent to the reviving such infamous methods: all believed, that the chief de- 1702.

1702. sign of this bill was, to model corporations, and to cast out of them all those who would not vote in elections for tories: the toleration itself was visibly aimed at, and this was only a step to break in upon it. Some thought the design went yet further, to raise such quarrels and distractions among us, as would so embroil us at home, that our allies might see they could not depend upon us; and that we, being weakened by the disorders occasioned by those prosecutions, might be disabled from carrying on the war, which was the chief thing driven at by the promoters of the bill. So that many of the lords, as well as the bishops, agreed in opposing this bill, though upon different views: yet they consented to some parts of it; chiefly, that such as went to meetings, after they had received the sacrament, should be disabled from holding any employments, and be fined in twenty pounds; many went into this, though they were against every part of the bill, because they thought this the most plausible way of losing it; since the house of commons had of late set it up for a maxim, that the lords could not alter the fines that they should fix in a bill, this being a meddling with money, which they thought was so peculiar to them, that they would not let the lords, on any pretence, break in upon it.

The lords hereupon appointed a very exact search to be made into all the rolls that lay in the clerk of the parliament's office, from the middle of king Henry the seventh's reign, down to the present time: and they found, by some hundreds of precedents, that in some bills the lords began the clauses that set the fines; and that when fines were set by the commons, sometimes they altered the fines, and

at other times they changed the use to which they were applied: the report made of this was so full and clear, that there was no possibility of replying to it, and the lords ordered it to be entered in their books. But the commons were resolved to maintain their point, without entering into any debate upon it. The lords also added clauses, requiring proof to be made by two witnesses, and that the information should be given in within ten days, and the prosecution commenced within three months after the fact. The commons agreed to this, but would not alter the penalties that they had set. The thing depended long between the two houses; both sides took pains to bring up the lords that would vote with them, so that there were above an hundred and thirty lords in the house; the greatest number that had ever been together. 1702. 338

The court put their whole strength to carry the bill. Prince George, who had received the sacrament as lord high admiral, and yet kept his chapel in the Lutheran way, so that he was an occasional communicant, came and voted for the bill[s]: after some conferences, wherein each house had yielded some smaller differences to the other, it came to a free conference in the painted chamber, which was the most crowded upon that occasion that had ever been known; so much weight was laid on this matter on both sides.

When the lords retired, and it came to the final vote *of adhering*, the lords were so equally divided, that in three questions, put on different heads, the *adhering* was carried but by one voice in every one of them; and it was a different person that gave it

The two houses disagreeing, the bill was lost.

[s] (See note below at p. 364, folio edit.)

1702. in all the three divisions. The commons likewise *adhered*, so the bill was lost[t]. This bill seemed to favour the interests of the church, so hot men were for it: and the greater number of the bishops being against it, they were censured, as cold and slack in the concerns of the church: a reproach that all moderate men must expect, when they oppose violent motions. A great part of this fell on myself; for I bore a large share in the debates, both in the house of lords, and at the free conference. Angry men took occasion from hence, to charge the bishops as enemies to the church, and betrayers of its interests, because we would not run blindfold into the passions and designs of ill tempered men; though we can appeal to all the world, and, which is more, to God himself, that we did faithfully and zealously pursue the true interests of the church, the promoting religion and learning, the encouraging of all good men and good designs: and that we did apply ourselves to the duties of our function, and to the work of the gospel. Having this quiet within ourselves, we must bear the cross, and submit to the will of God: the less of our reward that we receive from men, we have so much the more to look for from him.

A bill for prince George.

While the bill that had raised so much heat was in agitation, the queen sent a message to the commons, desiring them to make some suitable provision for prince George, in case he should outlive her. He was many years elder than the queen, and was troubled with an asthma, that every year had ill effects on his health; it had brought him into great danger

[t] But see the Journal of the House of Commons, for what the commons have done since, upon this point, in the case of what is called the bribery act, 2d of George the second. O.

this winter; yet the queen thought it became her to provide for all events. How moved, that it should be an hundred thousand pounds a year: this was seconded by those who knew how acceptable the motion would be to the queen; though it was the double of what any queen of England ever had in jointure; so it passed without any opposition. But while it was passing, a motion was made upon a clause in the act, which limited the succession to the Hanover family; which provided against strangers, though naturalized, being capable to hold any employments among us. This plainly related only to those who should be naturalized in a future reign, and had no retrospect to such as were already naturalized, or should be naturalized during the present reign. It was however proposed as doubtful, whether, when that family might reign, all who were naturalized before should not be incapacitated by that clause from sitting in parliament, or holding employments; and a clause was offered to except the prince from being comprehended in that incapacity. Against this, two objections lay; one was, that the lords had resolved by a vote, to which the greater number had set their hands, that they would never pass any money bill, sent up to them by the commons, to which any clause was tacked that was foreign to the bill. They had done this, to prevent the commons from fastening matters of a different nature to a money bill, and then pretending that the lords could not meddle with it; for this was a method to alter the government, and bring it entirely into their own hands: by this means, when money was necessary for preserving the nation, they might force, not only the lords, but the crown, to consent to

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Debates on a clause that was in it.

1702. every thing they proposed, by tacking it to a money bill. It was said, that a capacity for holding employments, and for sitting in the house of lords, were things of a different nature from money; so that this clause seemed to many to be a tack; whereas others thought it was no tack, because both parts of the act related to the same person [u]. The other objection was, that this clause seemed to imply, that persons already naturalized, and in possession of the rights of natural born subjects, were to be excluded in the next reign; though all people knew, that no such thing was intended when the act of succession passed. Great opposition was made, for both these reasons, to the passing this clause; but the queen pressed it with the greatest earnestness she had yet shewed in any thing whatsoever; she thought it became her, as a good wife, to have the act passed; in which she might be the more earnest, because it was not thought advisable to move for an act that should take prince George into a consortship of the regal dignity. This matter raised a great heat in the house of lords: those who had been advanced by the late king, and were in his interests, did not think it became them to consent to this, which seemed to be a prejudice, or at least a disgrace, to those whom he had raised. The court managed the matter so dexterously, that the bill passed, and the queen was highly displeased with those who had opposed it, among whom I had my share. The clause was put in the bill, by some in the house of com-
340 mons, only because they believed it would be opposed by those against whom they intended to irritate the queen.

[u] See the act 1st of George the first, chapter 4. O.

Soon after this, the commons sent up a bill in favour of those who had not taken the oath, abjuring the prince of Wales, by the day that was named; granting them a year longer to consider of it: for it was said, that the whole party was now come entirely into the queen's interests: though, on the other hand, it was given out, that agents were come from France, on design to persuade all persons to take the abjuration, that they might become capable of employments, and so might in time be a majority in parliament, and by that means the act of succession, and the oath imposed by it, might be repealed. When the bill, for thus prolonging the time, was brought up to the lords, a clause was added, qualifying those persons, who should in the new extent of time take the oaths, to return to their benefices or employments, unless they were already legally filled. When this was agreed, two clauses of much greater consequence were added to the bill. One was, declaring it high treason to endeavour to defeat the succession to the crown, as it was now limited by law, or to set aside the next successor: this had a precedent in the former reign, so it could not be denied now: it seemed the more necessary, because there was another person, who openly claimed the crown; so that a further security might well be insisted on. This was a great surprise to many, who were visibly uneasy at the motion, but were not prepared for it, and did not see how it could be resisted. The other clause was, for sending the abjuration to Ireland, and obliging all there (in the same manner as in England) to take it: this seemed the more reasonable, considering the strength of the popish interest there. Both clauses passed in the

1702.

A further security to the protestant succession.

1702. house of lords without any opposition: but it was apprehended, that the house of commons would not be so easy: yet when it was sent to them, they struggled only against the first clause, that barred the return of persons, upon their taking the oaths, into places that were already filled. The party tried their strength upon this, and upon their success in it they seemed resolved to dispute the other clause[x]: but it was carried, though only by one voice, to agree with the lords. When the clause relating to the succession was read, Musgrave tried if it might not be made a bill by itself, and not put as a clause in another bill: but he saw the house was resolved to receive both clauses, so he did not insist on his motion. All people were surprised to see a bill, that was begun in favour of the Jacobites, turned so terribly upon them; since by it, we had a new security given, both in England and Ireland, for a protestant successor.

The earl of Rochester laid down his employments.

At this time the earl of Rochester quitted his place of lord lieutenant of Ireland: he was uneasy at the preference which the duke of Marlborough had in the queen's confidence, and at the lord Godolphin's being lord treasurer. It was generally believed, he was endeavouring to embroil our affairs, and that he was laying a train of opposition in the house of commons: the queen sent a message to

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[x] (The author should have said, on their want of success they declined dividing upon the other clause, or rather clauses, for there was another, which extended the abjuration of the Pretender to Ireland. On the division upon the first amendment, it was carried to agree with the lords by a single vote. That this was the state of the case may be seen in a book entitled, *Memoirs of Viscount Bollingbroke*, comprized in some ably written Letters, and published in the year 1752. Letter IV. p. 85—96.)

him, ordering him to make ready to go to Ireland; for it seemed very strange, especially in a time of war, that a person in so great a post should not attend upon it: but he, after some days advising about it, went to the queen, and desired to be excused from that employment: this was readily accepted, and upon that he withdrew from the councils. It was immediately offered to the duke of Ormond, and he was made lord lieutenant of Ireland. The duke of Ormond, upon his first arrival from the expedition to Cadiz, complained very openly of Rook's conduct, and seemed resolved to carry the matter to a public accusation: but the court found the party that prevailed in the house of commons determined to justify Rook; so to comply with this, the queen made him a privy counsellor[y], and much pains were taken on the duke of Ormond to stifle his resentments: he was in a great measure softened, yet he had made his complaints to so many lords, that they moved the house to examine both his instructions and the journals relating to that expedition. A committee of the house of peers sat long upon the matter: they examined all the admirals and land officers, as well as Rook himself, upon the whole progress of that affair. Rook was so well supported by the court, and by his party in the house of commons, that he seemed to despise all that the lords could do. Some, who understood sea matters, said, that it appeared from every motion that he made

1702.

Rook's conduct examined and justified.

[y] He aimed afterwards at the garter, and would have worn it well; for he had a good person, and was more of a man of fashion, and fitter for a court than any one almost of his profession, yet he was very able in that, and of great courage. He was very high in his party, and very high for it. O.

1702. during the expedition, that he intended to do nothing but amuse and make a shew: they also concluded, from the protection that the ministry gave him, that they intended no other. He took much pains to shew how improper a thing a descent on Cadiz was, and how fatal the attempt must have proved: and in doing this, he arraigned his instructions, and the design he was sent on, with great boldness, and shewed little regard to the ministers; who took more pains to bring him off than to justify themselves. The lords of the committee prepared a report, which was hard upon Rook, and laid it before the house; but so strong a party was made to oppose every thing that reflected on him, that though every particular in the report was well proved, yet it was rejected, and a vote was carried in his favour, justifying his whole conduct [z]. The great employment given to the duke of Ormond so effectually prevailed on him, that though the inquiry was set on by his means, and upon his suggestions, yet he came not to the house, when it was brought to a conclusion: so Rook, being but faintly pushed by him, and most zealously supported by his party, was justified by a vote, though universally condemned by more impartial judges. The behaviour of the ministry in this matter heightened the jealousies with which many were possessed; for it was

[z] It does not appear from the proceedings in the house of lords, that either the general or the admiral shewed any extraordinary conduct. The duke of Ormond was the most forward of the two. Admiral Fairbone (if I mistake not) made some gallant proposal for attacking the shipping in Cadiz harbour, but Rook did not think it practicable. The force seems to have been strong enough to have succeeded, had the attempt been made with more vigour. H.

inferred that they were not in earnest in this whole expedition; since the conduct, being so contrary to the instructions, their justifying the one was plainly condemning the other. 1702. 342

The report made by the commissioners appointed to take the public accounts, was another business that took up much time in this session, and occasioned many debates. They pretended that they had made great discoveries: they began with the earl of Ranelagh, who had been in great posts; and had all the arts that were necessary to recommend a man in a court; who stuck at nothing that could maintain his interest with those whom he served: he had been paymaster of the army in king James's time; and being very fit for the post, he had been continued all the last reign: he had lived high, and so it was believed his appointments could not support so great an expense: he had an account of one and twenty millions lay upon him. It was given out, that a great deal of the money, lodged in his office, for the pay of the army, was diverted to other uses, distributed among favourites, or given to corrupt members of parliament; and that some millions had been sent over to Holland: it had been often said, that great discoveries would be made, whensoever his accounts were looked into; and that he, to save himself, would lay open the ill practices of the former reign. But now, when all was brought under a strict examination, a few inconsiderable articles, of some hundreds of pounds, was all that could be found to be objected to him: and even to these he gave clear and full answers. At last they found, that, upon the breaking of a regiment, a sum which he had issued out for its pay had been re- The inquiry made into the public accounts.

1702. turned to his office, the regiment being broke sooner than that pay was exhausted: and that no entry of this was made in his accounts. To this he answered, that his officer, who received the money, was within three days after taken so ill of a confirmed stone, that he never came again to the office, but died in great misery; and during those three days he had not entered that sum in the books. Lord Ranelagh acknowledged, that he was liable to account for all the money that was received by his under-officers; but here was no crime or fraud designed; yet this was so aggravated, that he saw his good post was his greatest guilt: so he quitted that, which was divided into two: one was appointed to be paymaster of the guards and garrisons at home; and another, of the forces that were kept beyond sea: How had the first, as being the more lasting post. With this, all the clamour raised against the earl of Ranelagh was let fall; yet, to make a shew of severity, he was expelled the house; but he appeared, upon all this canvassing, to be much more innocent, than even his friends had believed him.

The clamour against the former reign still kept up.

The clamour that had been long kept up against the former ministry, as devourers of the public treasure, was of such use to the party, that they resolved to continue it by all possible methods: so a committee of the house of commons prepared a long address to the queen, reflecting on the ill management of the funds, upon which they laid the great debt of the nation, and not upon the deficiencies: this was branched out into many particulars, which were all heavily aggravated. Yet, though a great part of the outcry had been formerly made against Russel, treasurer of the navy, and his office, they

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found not so much as a colour to fix a complaint there: nor could they charge any thing on the chancery, the treasury, or the administration of justice. Great complaints were made of some accounts, that stood long out, and they insisted on some pretended neglects, the old methods of the exchequer not having been exactly followed: though it did not appear that the public suffered in any sort by those failures. They kept up a clamour likewise against the commissioners of the prizes, though they had passed their accounts as the law directed; and no objection was made to them. The address was full of severe reflections and spiteful insinuations; and thus it was carried to the queen, and published to the nation, as the sense of the commons of England [a]. 1702.

The lords, to prevent the ill impressions this might make, appointed a committee to examine all the observations that the commissioners of accounts had offered to both houses: they searched all the public offices, and were amazed to find, that there was not one article, in all the long address that the commons had made to the queen, or in the observations then before them, that was of any importance, but what was false in fact [b]. They found the

It was examined by the lords, and found to be ill-grounded.

[a] At this time the queen made a public declaration in council, that if any body in her service took money for places under them, they should be turned out of their own; which was generally understood to be pointed at a certain duke, that was known to have sold a great many in the household. But the duke of Buckingham said, it was done to raise their price, for now whoever bought a place was to consider the hazard the man that sold it him run, of losing his own. And by what we saw afterwards, there was reason enough to believe he was in the right. D.

[b] There is a visible superiority in the lords' papers over those of the commons, and in all the disputes of that divided time, the lords had the law and the constitution, as well as the popular voice, on their side; at least this is the opinion I have been brought up in. H.

1702. deficiencies in the former reign were of two sorts: the one was of sums that the commons had voted, but for which they had made no sort of provision; the other was, where the supply that was given came short of the sum it was estimated at: and between these two, the deficiencies amounted to fourteen millions: this was the root of the great debt that lay on the nation. They examined into all the pretended mismanagement, and found that what the commons had stated so invidiously was mistaken. So far had the late king and his ministers been from misapplying the money that was given for public occasions, that he applied three millions to the public service, that by law was his own money, of which they made up the account. They also found, that some small omissions, in some of the forms of the exchequer, were of no consequence, and neither had nor could have any ill effect: and whereas a great clamour was raised against passing of accounts by privy seals, they put an end to that effectually, when it appeared on what ground this was done. By the ancient methods of the exchequer, every account was to be carried on, so that the new officer was to begin his account with the balance of the former account. Sir Edward Seimour, who had been treasurer of the navy, owed, by
344 his last account, an hundred and eighty thousand pounds, and he had received after that an hundred and forty thousand pounds, for which the accounts were never made up: now it was not possible for those who came after him to be liable for his accounts: therefore the treasurers of the navy in the last reign were forced to take out privy seals for making up their accounts: these imported no more,

than that they were to account only for the money that they themselves had received: for in all other respects their accounts were to pass, according to the ordinary methods of the exchequer[c]. Complaints had been also made of the remissness of the lords of the treasury, or their officers, appointed to account with the receivers of counties, for the aids that had been given: but when this was examined, it appeared that this had been done with such exactness, that of the sum of twenty-four millions, for which they had accounted, there was not owing above sixty thousand pounds, and that was for the most part in Wales; where it was not thought advisable to use too much rigour in raising it: and of that sum, there was not above fourteen thousand pounds that was to be reckoned as lost. The collectors of the customs likewise answered all the observations made on their accounts so fully, that the house of commons was satisfied with their answers, and dismissed them, without so much as a reprimand. All this was reported to the house of lords, and they laid it before the queen in an address, which was afterwards printed with the vouchers to every particular: by this means, it was made out to the satisfaction of the whole nation, how false those reports were, which had been so industriously spread, and were so easily believed by the greater part: for the bulk of mankind will be always apt to think, that courts and ministers serve their own ends, and study to enrich themselves at the public cost. This examination held long, and was followed with 1702.

[c] This, with some other good regulations in his office, was procured by sir Thomas Littleton, who was made treasurer of the navy at the latter end of the late reign. O.

1702. great exactness, and had all the effect that could be desired from it: for it silenced that noise which the late king's enemies had raised, to asperse him and his ministers. With this the session of parliament ended. In it the lords had rendered themselves very considerable, and had gained an universal reputation over the whole nation: it is true, those who had opposed the persons that had carried matters before them in this session were so near them in number, that things of the greatest consequence were carried only by one or two voices; therefore, as they intended to have a clear majority in both houses, in the next session, they prevailed with the queen, soon after the prorogation, to create four new peers, who had been the violentest of the whole party; Finch, Gower, Granvil, and young Seimour, were made barons. Great reflections were made upon this promotion. When some severe things had been thrown out in the house of commons upon the opposition that they met with from the lords, it was insinuated, that it would be easy to find men of merit and estate to make a clear majority in that house: this was an open declaration of a design to put every thing in the hands and power of that party: it was also an encroachment on one of the tenderest points of the prerogative, to make motions of creating peers in the house of commons. Hervey, though of the other side, was at the same time made a baron, by private favour[d]. Thus the session of parliament was brought to a much better conclusion than could have been reasonably expected by those who knew of whom it was constituted, and how it had begun. No harm was done in it: the succes-

Some new peers made.

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[d] By Lady Marlborough's interest. See her Memoirs. O.

sion was fortified by a new security, and the popular clamours of corruption and peculate, with which the nation had been so much possessed, were in a great measure dissipated. 1702.

The proceedings of the convocation, which sat at the same time, are next to be related: at the first opening of it, there was a contest between the two houses, that lasted some days, concerning an address to the queen. The lower house intended to cast some reflections on the former reign, in imitation of what the house of commons had done, and these were worded so invidiously, that most of the bishops were pointed at by them; but the upper house, refusing to concur, the lower house receded, and so they both agreed in a very decent address. The queen received it graciously, promising all favour and protection to the church, and exhorting them all to peace and union among themselves. After this, the lower house made an address to the bishops, that they might find an expedient, for putting an end to those disputes that had stopped the proceedings of former convocations: the bishops resolved to offer them all that they could, without giving up their character and authority: so they made a proposition, that, in the intervals of sessions, the lower house might appoint committees to prepare matters, and when business was brought regularly before them, that the archbishop should so order the prorogations, that they might have convenient and sufficient time to sit and deliberate about it. This fully satisfied many of that body; but the majority thought this kept the matter still in the archbishop's power, as it was indeed intended it should: so they made another application to the bishops, desiring

The proceedings in convocation.

1702. them to refer the points in question to the queen's decision, and to such as she should appoint to hear and settle them. To this the bishops answered, that they reckoned themselves safe and happy in the queen's protection, and would pay all due submission to her pleasure and orders: but the rights, which the constitution of the church and the law had vested in them, were trusts lodged with them, which they were to convey to their successors, as they had received them from their predecessors, and that it was not in their power to refer them. It would have been a strange sight, very acceptable to the enemies of the church, chiefly to papists, to see the two houses of convocation pleading their au-
346 thority and rights before a committee of council, that was to determine the matter. This failing, the lower house tried what they could obtain of the house of commons; but they could not be carried further than a general vote, which amounted to nothing, that they would stand by them in all their just rights and privileges. They next made a separate address to the queen, desiring her protection, praying her to hear and determine the dispute: she received this favourably; she said, she would consider of it, and send them her answer. The matter was now brought into the hands of the ministers: the earl of Nottingham was of their side, but confessed that he understood not the controversy: the judges and the queen's council were ordered to examine how the matter stood in point of law, which was thus stated to them: the constant practice, as far as we had books or records, was, that the archbishop prorogued the convocation by a schedule; of this the form was so fixed, that it could not be

altered but by act of parliament: there was a clause in the schedule, that continued all matters before the convocation, in the state in which they then were, to the day to which he prorogued them; this made it evident, that there could be no intermediate session, for a session of the lower house could, by passing a vote in any matter, alter the state in which it was. It was kept a secret, what opinion the lawyers came to in this matter. It was not doubted, but they were against the pretensions of the lower house: the queen made no answer to their address; and it was believed, that the reason of this was, because the answer must, according to the opinion of lawyers, have been contrary to what they expected: and therefore the ministers chose rather to give no answer, and that it should seem to be forgot, than that such an one should be given, as would put an end to the debate, which they intended to cherish and support. 1702.

The lower house finding that, by opposing their bishops in so rough as well as in so unheard of a manner, they were represented as favourers of presbytery, to clear themselves of that imputation, came suddenly into a conclusion, that episcopacy was of divine and apostolical right. The party that stuck together in their votes, and kept their intermediate sessions, signed this, and brought it up to the bishops, desiring them to concur in settling the matter; so that it might be the standing rule of the church. This was a plain attempt to make a canon or constitution, without obtaining a royal licence, which by the statute confirming the submission of the clergy in king Henry the eighth's time, made both them, and all who chose them, incur a premu-

1702. nire; so the bishops resolved not to entertain the proposition, and a great many of the lower house apprehending what the consequence of such proceedings might be, by a petition to the bishops, prayed that it might be entered in their books, that they had not concurred in that definition, nor in
347 the address made pursuant to it. The lower house looked on what they did in this matter as a masterpiece: for if the bishops concurred with them, they reckoned they gained their point: and if they refused it, they resolved to make them, who would not come up to such a positive definition, pass for secret favourers of presbytery. But the bishops saw into their designs, and sent them for answer, that they acquiesced in the declaration that was already made on that head, in the preface to the book of ordinations; and that they did not think it safe, either for them or for the clergy, to go further in that matter, without a royal licence. To this, a dark answer was made, and so all these matters were at a full stand, when the session came to an end, by the prorogation of the parliament; which was become necessary, the two houses being fixed in an opposition to one another.

Great distractions among the clergy.

From those disputes in convocation, divisions ran through the whole body of the clergy, and to fix these, new names were found out: they were distinguished by the names of *high church* and *low church*. All that treated the dissenters with temper and moderation, and were for residing constantly at their cures, and for labouring diligently in them; that expressed a zeal against the prince of Wales, and for the revolution; that wished well to the present war, and to the alliance against France, were

represented as secret favourers of presbytery, and as ill affected to the church, and were called *low churchmen:* it was said, that they were in the church only while the law and preferments were on its side; but that they were ready to give it up, as soon as they saw a proper time for declaring themselves: with these false and invidious characters did the high party endeavour to load all those who could not be brought into their measures and designs. When the session was at an end, the court was wholly taken up with the preparations for the campaign. 1702.

The duke of Marlborough had a great domestic affliction at this time: he lost his only son, a graceful person, and a very promising youth: he died at Cambridge of the small-pox: this, as may be imagined, went very deep in his father's heart, and stopped his passing the seas some days longer than he had intended. Upon his arrival on the other side, the Dutch brought their armies into the field: the first thing they undertook was the siege of Bonne. In the mean while, all men's eyes were turned towards Bavaria: the court of Vienna had given it out, all the former winter, that they would bring such a force upon that elector, as would quickly put an end to that war, and seize his whole country. But the slowness of that court appeared on this, as it had done on many other occasions: for though they brought two armies into the field, yet they were not able to deal with the elector's forces; Villars, who lay with his army at Strasbourg, had orders to break through, and join the elector: so he was to force his way to him at all adventures. He 1703. Preparations for the campaign. 348

1703. passed the Rhine, and set down before Fort Keil, which lay over against Strasbourg, and took it in a few days. Prince Lewis was in no condition to raise the siege; for the best part of his army was called away to the war in Bavaria: he therefore posted himself advantageously at Stollhoffen, yet he could not have maintained it, if the States had not sent him a good body of foot, which came seasonably, a few days before mareschal Villars attacked him with an army, that was more than double his number: but his men, chiefly the Dutch battalions, received them with so much courage, that the French were forced to quit the attack, after they had lost about four thousand men in it. Yet, upon repeated orders from France, mareschal Villars resolved to venture the loss of his whole army, rather than abandon the elector; who, though he had taken Newburg, and had surprised Ratisbon, and had several advantages in little engagements with the imperialists, yet was like to be overpowered by a superior force, if he was not relieved in time. The Black forest was thought impracticable in that season, which was a very wet one; this was too much trusted to, so that the passes were ill looked after: and therefore Villars overcame all difficulties, and joined the elector: but his troops were so harassed with the march, that he was obliged to put them, for some time, into quarters of refreshment.

Bonne taken. The duke of Marlborough carried on the siege of Bonne with such vigour, that they capitulated within ten days after the trenches were opened; the French reckoned upon a longer resistance, and hoped to have diverted this by an attempt upon Liege: the States had a small army about Maes-

tricht, which the French intended to fall upon, being much superior to it: but they found the Dutch in so good order, and so well posted, that they retired within their lines, as soon as they saw the duke of Marlborough, after the siege of Bonne, was marching towards them. The winter had produced very little action in Italy: the country was under another heavy plague, by a continued succession of threatening, and of some very devouring earthquakes: Rome itself had a share in the common calamity; but it proved to them more dreadful than it was mischievous. Prince Eugene found that his letters, and the most pressing representations he could send to the court of Vienna, had no effect: so at last he obtained leave to go thither. 1703. Earthquakes in Italy.

The motions of the Dutch army made it believed, there was a design on Antwerp: Cohorn was making advances in the Dutch Flanders, and Opdam commanded a small army on the other side of the Scheld, while the duke of Marlborough lay with the main army near the lines in Brabant. Bouflers was detached from Villeroy's army, with a body, 349 double in number to Opdam's, to fall on him; he marched so quick, that the Dutch, being surprised at Eckeren, were put in great disorder, and Opdam, apprehending all was lost, fled with a body of his men to Breda: but the Dutch rallied, and maintained their ground with such firmness, that the French retired, little to their honour; since, though they were much superior in number, yet they let the Dutch recover out of their first confusion, and keep their ground, although forsaken by their general, who justified himself in the best manner he could, and cast the blame on others. The battle of Eckeren.

1703. Boufler's conduct was so much censured, that it was thought this finished his disgrace; for he was no more put at the head of the French armies: nor was the duke of Marlborough without some share of censure on this occasion, since it was pretended, that he ought to have sent a force to support Opdam, or have made an attempt on Villeroy's army, when it was weakened by the detachment sent with Bouflers.

Huy, Limbourg, and Guelder, with all the Coudras taken.

The French lines were judged to be so strong, that the forcing them seemed impracticable, so the duke of Marlborough turned towards Huy, which was soon taken; and after that to Limbourg, which he took with no loss, but that of so much time as was necessary to bring up a train of artillery: and as soon as that was done, the garrison were made prisoners of war, for they were in no condition to maintain a siege. Guelder was also blocked up, so that before the end of the campaign it was brought to capitulate. Thus the Low Rhine was secured, and all that country called the Coudras was entirely reduced: this was all that our troops, in conjunction with the Dutch, could do in Flanders: we had the superior army, but what by reason of the cautious maxims of the States, what by reason of the factions among them, (which were rising very high, between those who had been of the late king's party, and were now for having a captain general, and those of the Lovestein party, who were for governing all by a deputation from the States,) no great design could be undertaken by an army so much distracted.

The success of the French on

In the Upper Rhine, matters went much worse: Villars lay for some time on the Danube, while the

elector of Bavaria marched into Tirol, and possessed himself of Inspruck: the emperor's force was so broken into many small armies, in different places, that he had not one good one any where: he had none at all in Tirol: and all that the prince of Baden could do was to watch Villars's motions: but he did not venture on attacking him during this separation. Many blamed his conduct: some called his courage, and others his fidelity in question; while many excused him, since his army was both weak, and ill furnished in all respects. The duke of Vendome had orders to march from the Milanese to Tirol, there to join the elector of Bavaria: upon which junction, the ruin of the house of Austria would have probably followed: but the boors in Tirol rose, and attacked the elector with so much resolution, that he was forced to retire out of the country with considerable loss, and was driven out before the duke of Vendome could join him, so that he came too late: he seemed to have a design on Trent, but the boors were now so animated with their successes, and were so conducted and supported by officers and troops sent them by the emperor, that Vendome was forced to return back, without being able to effect any thing. 1703. the Danube.

Nothing passed this summer in Italy: the imperialists were too weak and too ill supplied from Germany, to be able to act offensively: and the miscarriage of the design upon Tirol lost the French so much time, that they undertook nothing, unless it were the siege of Ostiglia, in which they failed. Bersello, after a long blockade, was forced to capitulate, and by that means the French possessed themselves of the duke of Modena's country: the Little done in Italy.

1703. duke of Burgundy came to Alsace, and sat down before Brisack, of which he was soon master, by the cowardice or treachery of those who commanded, for which they were condemned by a council of war.

A war begun in Hungary.

The emperor's misfortunes grew upon him; cardinal Calonitz and Esterhasi had the government of Hungary trusted chiefly to them: the former was so cruel, and the other so ravenous, that the Hungarians took advantage from this distraction in the emperor's affairs, to run together in great bodies, and in many places, setting prince Ragotzki at their head. They demanded, that their grievances should be redressed, and that their privileges should be restored: they were much animated in this by the practices of the French, and the elector of Bavaria's agents: some small assistance was sent them by the way of Poland; they were encouraged to enter upon no treaty: but to unite and fortify themselves; assurances being given them, that no peace should be concluded, unless they were fully restored to all their ancient liberties.

Disorders in the emperor's court.

The court of Vienna was much alarmed at this; fearing it might be secretly set on by the Turks: though that court gave all possible assurances, that they would maintain the peace of Carlowitz most religiously, and that they would in no sort encourage or assist the malecontents. A revolution happening in that empire, in which a new sultan was set up, raised new apprehensions of a breach on that side: but the sultan renewed the assurances of maintaining the peace so solemnly, that all those fears were soon dissipated. There was a great faction in the emperor's court, and among his ministers; and it did not appear that he had strength of

genius enough to govern them. Count Mansfield was much suspected of being in the interests of France; the prince of Baden, and prince Eugene, both agreed in charging his conduct, though they differed almost in every thing else: yet he was so possessed of the emperor's favour and confidence, that it was not easy to get him set aside: in conclusion, he was advanced to a high post in the emperor's household, and prince Eugene was made president of the council of war. 1703. 351

But what effect soever this might have in succeeding campaigns, it was then too late in the year to find remedies for the present disorders: and all affairs on the south of the Danube were falling into great confusion. Things went a little better on the north side of that river: the upper Palatinate was entirely conquered; but near the end of the year, Augsbourg was forced to submit to the elector of Bavaria, and Landaw was besieged by the French: Tallard, who commanded the siege, took it in fewer weeks than it had cost the Germans months to take it the former year: nor was this all; an army of the confederates was brought together to raise the siege: the young prince of Hesse commanded, but the prince of Nassau Welburg, as a man of more experience in war, was chiefly depended on; though his conduct shewed how little he deserved it. The emperor's birthday was a day of diversion, and the German generals, then at Spire, allowed themselves all the idle liberties used in courts on such days, without the ordinary precaution of having scouts or parties abroad, in the same careless state, as if no enemy had been near them. Tallard, having intelligence of this, left a party of his army,

Augsbourg and Landaw taken by the French.

1703. to make a shew, and maintain the works before Landaw; and marched with his best troops against the Germans: he surprised and routed them: upon which Landaw capitulated: with this, the warlike operations of this compaign ended, very gloriously and with great advantage to the French.

A treaty with the king of Portugal.

But two great negotiations, then brought to a conclusion, very much changed the face of affairs: all the confederates pressed the king of Portugal to come into the alliance, as his own interest led him to it; since it was visible, that as soon as Spain was once united to the crown of France, he could not hope to continue long in Portugal. The Almirante of Castile was believed to be in the interests of the house of Austria; therefore to send him out of the way, he was appointed to go ambassador to France; he seemed to undertake it, and made the necessary preparations: he saw this embassy was intended for an exile, and that it put him in the power of his enemies: so, after he had raised what was necessary to defray his expense, he secretly changed his course, and escaped with the wealth he had in his hands to Lisbon: where he entered into secret negotiations with the king of Portugal and the emperor: he gave great assurances of the good dispositions in which both the people and grandees of Spain were, who were grown sick of their new masters. The risk he himself ran seemed a very full credential; he assured them, the new king was despised, and that the French about him were universally hated; the Spaniards could not bear the being made a province, either to France or to the emperor.

352. He therefore proposed that the emperor and the king of the Romans should renounce all their pre-

tensions, and transfer them to the archduke, and declare him king of Spain; and that he should be immediately sent thither; for he assured them, the Spaniards would not revolt from a king that was in possession, till they saw another king who claimed his right: and in that case they would think they had a right to adhere to the king they liked best: the king of Portugal likewise demanded an enlargement of his frontiers, and some new accessions to his crown, which were reasonable, but could not be stipulated, but by a king of Spain. 1703.

In the treaty that the emperor had made with the late king and with the States, one article was, that they should be at liberty to possess themselves of the dominions which the crown of Spain had in the West Indies, and he vested in them the right that their arms should give them in these acquisitions; upon which the king had designed to send a great fleet, with a land army, into the bay of Mexico, to seize some important places there, with a design of restoring them to the crown of Spain, upon advantageous articles for a free trade, as soon as the Spaniards should receive a king of the house of Austria. This design was now laid aside, and the reason that the ministers gave for it was, that the Almirante had assured them, that if we possessed ourselves of any of their places in the West Indies, the whole nation would by that means become entirely French; they would never believe our promises of restoring them; and seeing they had no naval power of their own to recover them, they would go into the French interest very cordially, as the only way left to recover these places.

1703. An entire credit was given to the Almirante; so the queen and the States agreed to send over a great fleet, with a land army of twelve thousand men, together with a great supply of money and arms to Portugal; that king undertaking to have an army of twenty-eight thousand men ready to join ours. In this treaty an incident happened, that had almost spoiled the whole; the king of Portugal insisted on demanding the flag, and the other respects to be paid by our admiral, when he was in his ports; the earl of Nottingham insisted, it was a dishonour to England to strike, even in another king's ports; this was not demanded of the fleet that was sent to bring over queen Katharine, so, though Methuen, our ambassador, had agreed to this article, he pressed the queen not to ratify it.

Methuen, in his own justification, said, he consented to the article, because he saw it was insisted on so much, that no treaty could be concluded unless that point were yielded: the low state of their affairs, in the year 1662, when the protection of England was all they had in view, for their pre-
353 servation, made such a difference between that and the present time, that the one was not to be set up for a precedent to govern the other: besides, even then the matter was much contested in their councils, though the extremities to which they were reduced made them yield it. The lord Godolphin looked on this as too inconsiderable to be insisted on, the whole affairs of Europe seemed to turn upon this treaty, and so important a matter ought not to be retarded a day for such punctilios as a salute, or striking the flag: and it seemed reasonable, that

every sovereign prince should claim this acknowledgment, unless where it was otherwise stipulated by express treaties. The laying so much weight on such matters very much heightened jealousies; and it was said, that the earl of Nottingham and the tories seemed to lay hold on every thing that could obstruct the progress of the war; while the round proceeding of the lord Godolphin reconciled many to him. The queen confirmed the treaty; upon which, the court of Vienna was desired to do their part. But that court proceeded with its ordinary slowness; the mildest censure passed on these delays was, that they proceeded from an unreasonable affectation of magnificence in the ceremonial, which could not be performed soon nor easily, in a poor but a haughty court: it was done at last, but so late in the year, that the new declared king of Spain could not reach Holland before the end of October. A squadron of our fleet was lying there to bring him over; such as was wont to convoy the late king when he crossed the seas. But the ministers of the king of Spain thought it was not strong enough; they pretended, they had advertisements, that the French had a stronger squadron in Dunkirk, which might be sent out to intercept him: so an additional strength was sent; this lost some time, and a fair wind. 1703.

The great wind in November.

It had like to have been more fatal; for about the end of November the weather grew very boisterous, and broke out on the 27th of November in the most violent storm, both by sea and land, that had been known in the memory of man. The city of London was so shaken with it, that people were generally afraid of being buried in the ruins of their houses:

1703. some houses fell and crushed their masters to death[e]: great hurt was done in the southern parts of England; little happening in the north, where the storm was not so violent. There was a great fall of trees, chiefly of elms, that were blown down by the wind. We had, at that time, the best part of our naval force upon the sea; which filled all people with great apprehensions of an irreparable loss: and indeed, if the storm had not been at its height at full flood, and in a spring tide, the loss might have proved fatal to the nation. It was so considerable, that fourteen or fifteen men of war were cast away, in
354 which 1500 seamen perished[f]; few merchantmen were lost; such as were driven to sea were safe: some few only were overset. Thus the most threatening danger to which the nation could be exposed, went off with little damage: we all saw our hazard, since the loss of our fleet must have been the loss of the nation. If this great hurricane had come at low water, or in a quarter tide, our ships must have been driven out upon the banks of sand that lie before the coast, and have stuck and perished there, as some of the men of war did: but the sea being so full of water, all but some heavy ships got over these safe. Our squadron, which was then in the Maese, suffered but little, and the ships were soon refitted, and ready to sail.

The new king of Spain came to England.

About the end of December, the king of Spain landed at Portsmouth; the duke of Somerset was sent by the queen to receive him, and to bring him

[e] (At Wells Kidder, the learned bishop of that see, and his wife, lost their lives in this way.)

[f] (The number of persons lost amounted to 2000, according to a list preserved in Oldmixon's History of these Reigns. P. 319.)

to an interview, which was to be at Windsor; prince George went and met him on the way, and he was treated with great magnificence: the court was very splendid, and much thronged; the queen's behaviour towards him was very noble and obliging: the young king charmed all that were there; he had a gravity beyond his age, tempered with much modesty; his behaviour was in all points so exact, that there was not a circumstance in his whole deportment that was liable to censure; he paid an extraordinary respect to the queen, and yet maintained a due greatness in it; he had an art of seeming well pleased with every thing, without so much as smiling once all the while he was at court, which was only three days; he spoke but little, and all he said was judicious and obliging. All possible haste was made in fitting out the fleet, so that he set sail in the beginning of January, and for five days he had a fair wind with good weather, but then the wind changed, and he was driven back to Portsmouth; he lay there above three weeks, and then he had a very prosperous navigation. The forces that were ordered to go over to his assistance were by this time got ready to attend on him, so he sailed with a great fleet, both of men of war and transport ships. He arrived happily at Lisbon, where he was received with all the outward expressions of joy and welcome, and at an expense, in a vain magnificence, which that court could not well bear: but a national vanity prevailed to carry this too far, by which other things that were more necessary were neglected. That court was then very melancholy; for the young infanta, whom the king of Spain was to have married, as had been agreed, died a few days before his arrival.

1703.

He landed at Lisbon.

1703. While this negotiation with Portugal was carried on, the duke of Savoy began to see his own danger, if the two crowns should come to be united; and he saw, that if the king of France drove the imperialists out of Italy, and became master of the Milanese, he must lie exposed, and at mercy. He had married his two daughters to the duke of Burgundy and to king Philip of Spain; but, as he wrote to the emperor, he was now to take care of himself and his son. His alliance with France was only for one year, which he had renewed from year to year, so he offered, at the end of the year, to enter into the great alliance; and he demanded for his share the Novarize and the Montferrat. His leaving the allies, as he had done in the former war, shewed that he maintained the character of his family, of changing sides as oft as he could expect better terms by a new turn: yet his interest lay so visibly now on the side of the alliance, that it was very reasonable to believe, he was resolved to adhere firmly to it. So when the demands he made were laid before the court of Vienna, and from thence transmitted to England and Holland, all the assistance that he proposed was promised him. The court of Vienna had no money to spare, but England and the States were to pay him twenty thousand pounds a month; of which England was to pay him two-thirds, and the States the rest.

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The duke of Savoy came into the alliance.

The secret reasons of his former departure from it.

Since I am to relate the rest of this transaction, I must look back, and give some account of his departing from the alliance in the former war, which I had from monsieur Herval, who was then the king's envoy in Switzerland, a French refugee, but originally of a German family of Augsbourg, settled but lately in France. In January 1696, when

the plot for assassinating the king and invading the nation was thought so surely laid that it could not miscarry, the king of France sent Mr. Chanley very secretly to the duke of Savoy, with a full credence to the propositions he was to make, demanding a positive answer within six hours: with that the duke of Orleans wrote very warmly to him; he said, he had employed all his interest with the king his brother to get these offers made to him, which he conjured him to accept of, otherwise he must look for utter ruin, without remedy or recovery. Chanley told him, that at that present time he was to reckon that king James was repossessed of the throne of England, and that the prince of Orange was either dead or in his hands: so he offered to restore Cazal and Pigneroll, and all that was afterwards agreed to by the treaty, if he would depart from the alliance. The duke of Savoy being thus alarmed with a revolution in England, and being so straitened in time, thought the extreme necessity to which he would be reduced, in case that was true, must justify his submitting, when otherwise his ruin was unavoidable. The worst part of this was, that he got leave to pretend to continue in the alliance, till he had drawn all the supplies he was to expect for that year from England and the States, and then the whole matter was owned, as has been related in the transactions of that year. I leave this upon the credit of him from whom I had it, who assured me he was well informed concerning it. 1703.

The duke of Savoy having now secretly agreed to enter into the alliance, did not declare it, but continued still denying it to the French, that so when the duke of Vendome sent back his troops to him, 356 The French discover his intentions, and make all his

1703. at the end of the campaign, he might more safely own it. The French had reason to suspect a secret negotiation, but could not penetrate into it; so they took an effectual, though a very fraudulent method to discover it, which was told me soon after by the earl of Pembroke. They got the elector of Bavaria to write to him, with all seeming sincerity, and with great secrecy, for he sent it to him by a subject of his own, so well disguised and directed, that the duke of Savoy was imposed on by this management. In this letter, the elector complained bitterly of the insolence and perfidiousness of the French, into whose hands he had put himself: he said, he saw his error now, when it was too late to see how he could correct it; yet if the duke of Savoy, who was almost in as bad a state as himself, would join with him, so that they might act by concert, they might yet not only recover themselves, but procure a happy peace to all the rest of Europe. The duke of Savoy, mistrusting nothing, wrote him a frank answer, in which he owned his own designs, and encouraged the elector to go on, and offered all offices of friendship on his behalf with the rest of the allies. The French, who knew by what ways the Savoyard was to return, seized him, without so much as acquainting the elector with the discovery that they had made: they saw now into this secret; so when the time came in which the duke of Vendome ought to have sent back his troops to him, they were made prisoners of war, contrary to all treaties: and with this the war began in those parts. It was much apprehended, that, considering the weak and naked state in which the duke of Savoy then was, the French would have quickly mastered him; but

troops with them prisoners of war.

Count Staremberg joined him.

count Staremberg ventured on a march, which military men said was the best laid and the best executed of any in the whole war. He marched from the Modenese, in the worst season of the year, through ways that, by reason of the rains that had fallen, seemed impracticable, having in many places the French both before and behind him: he broke through all, and in conclusion joined the duke of Savoy with a good body of horse. By this he was rendered safe in Piedmont. It is true, the French made themselves quickly masters of all Savoy, except Montmelian; where some small actions happened, much to the duke's advantage. The Switzers interposed to obtain a neutrality for Savoy, though without effect. 1703.

The rising in the Cevennes had not been yet subdued, though mareschal Montrevel was sent with an army to reduce or destroy them: he committed great barbarities, not only on those he found in arms, but on whole villages, because they, as he was informed, favoured them. They came often down out of their hills in parties, ravaging the country, and they engaged the king's troops with much resolution, and sometimes with great advantage: they seemed resolved to accept of nothing less than the restoring their edicts to them; for a connivance at their own way of worship was offered them. They had many among them who seemed qualified in a very singular manner to be the teachers of the rest; they had a great measure of zeal without any learning; they scarce had any education at all. I spoke with the person who, by the queen's order, sent one among them, to know the state of their affairs: I read some of the letters which he brought from The insurrection in the Cevennes. 357

1703. them, full of a sublime zeal and piety, expressing a courage and confidence that could not be daunted: one instance of this was, that they all agreed, that if any of them was so wounded in an engagement with the enemy that he could not be brought off, he should be shot dead, rather than be left alive to fall into the enemies hands. It was not possible then to form a judgment of that insurrection, the reports about it were so various and uncertain; it being as much magnified by some, as it was undervalued by others: the whole number, that they could reckon on, was four thousand men, but they had not arms and clothes for half that number, so they used these by turns, while the rest were left at home to follow their labour. They put the country all about them in a great fright, and to a vast expense; while no intelligence could be had of their designs, and they broke out in so many different places, that all who lay within their reach were in a perpetual agitation. It was a lamentable thing, that they lay so far within the country that it was not possible to send supplies to them, unless the duke of Savoy should be in a condition to break into Dauphiny; and therefore advices were sent them, to accept of such terms as could be had, and to reserve themselves for better times.

The affairs of Poland.

In Poland the scene was more embroiled than ever; there was some appearance of peace this summer, but it went off in winter; the old fierce cardinal drew a diet to Warsaw; there it was declared, that their king had broken all their laws: upon that they, by a formal sentence, deposed him, and declared the throne vacant. This was done in concert with the king of Sweden, who lay with his

army at some distance from them, in the neighbourhood of Dantzick, which alarmed the citizens very much; it was believed, that they designed to choose Sobieski, the eldest son of the late king, who then lived at Breslaw in Silesia, and being in the emperor's dominions, he thought himself safer than he proved to be; the king of Poland retired into Saxony in some haste, which made many conclude, that he resolved to abandon Poland; but he laid another design, which was executed to his mind, though in the sequel it proved not much to his advantage; Sobieski and his brother were in a correspondence with the party in Poland that opposed the king, upon which they ought to have looked to their own security with more precaution: they, it seems, apprehended nothing where they then were, and so diverted themselves at hunting, and otherwise in their usual manner; upon this some, sent by the king of Poland, took them both prisoners, and brought them to Dresden, where they were safely kept; and all the remonstrances that the emperor could make, upon such an act of hostility, had no effect. This for a while broke their measures at Warsaw; many forsook them, while the king of Sweden seemed implacable in his opposition to Augustus; whose chief confidence was in the czar: it was suspected, that the French had a management in this matter; since it was certain that, by the war in Poland, a great part of that force was diverted, which might otherwise have been engaged in the common cause of the great alliance. All the advices that we had from thence agreed in this, that the king of Sweden himself was in no understanding with the French, but it was visible, that what he

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1703. did, contributed not a little to serve their ends. This was the state of affairs at land.

Affairs at sea.

I turn next to another element; and to give an account of the operations at sea, where things were ill designed, and worse executed: the making prince George our lord high admiral, proved in many instances very unhappy to the nation: men of bad designs imposed on him, he understood those matters very little, and they sheltered themselves under his name, to which a great submission was paid; but the complaints rose the higher for that: our main fleet was ready to go out in May, but the Dutch fleet was not yet come over; so Rook was sent out to alarm the coast of France; he lingered long in port, pretending ill health; upon that Churchill was sent to command the fleet; but Rook's health returned happily for him, or he thought fit to lay aside that pretence, and went to sea, where he continued a month; but in such a station, as if his design had been to keep far from meeting the French fleet, which sailed out at that time; and to do the enemy no harm, not so much as to disturb their quiet, by coming near their coast: at last he returned, without having attempted any thing [f].

A fleet sent into the Mediterranean.

It was after this resolved to send a strong fleet into the Mediterranean; it was near the end of

[f] ("Sir George sailed, as appears by the Gazette, on the 9th of May. On the 23rd, he sent in the Lenox to Portsmouth with a French East India ship worth 100,000*l.*; on the 15th of June, he sent in lord Dursley, who commanded the Litchfield, with a French man of war of 36 guns, and a West India merchant worth 40,000*l.*; and on the 22nd of June, sir George returned with many prizes from the West Indies." Campbell's *Lives of the Admirals*, vol. III. p. 366, note.)

June before they were ready to sail, and they had orders to come out of the Straits by the end of September: every thing was so ill laid in this expedition, as if it had been intended that nothing should be done by it besides the convoying our merchant ships; which did not require the fourth part of such a force. Shovel was sent to command; when he saw his instructions, he represented to the ministry, that nothing could be expected from this voyage; he was ordered to go, and he obeyed his orders; he got to Leghorn by the beginning of September. His arrival seemed to be of great consequence, and the allies began to take courage from it; but they were soon disappointed of their hopes, when they understood, that by his orders he could only stay a few days there: nor was it easy to imagine what the design of so great an expedition could be, or why so much money was thrown away on such a project, which made us despised by our enemies, while it provoked our friends; who might justly think they could not depend upon such an ally, who managed so great a force with so poor a conduct, as neither to hurt their enemies nor protect their friends by it. 1703. 359

A squadron was sent to the West Indies, commanded by Graydon; a man brutal in his way, and not well affected to the present state of affairs: the design was, to gather all the forces that we had, scattered up and down the plantations, and with that strength to go and take Placentia, and so to drive the French out of the Newfoundland trade: but the secret of this was so ill kept, that it was commonly talked of before he sailed: the French had timely notice of it, and sent a greater force to defend the place than he could bring together to attack it. His orders were pressing, in particular, Another to the West Indies.

1703. that he should not go out of his way to pursue any of the enemy's ships whom he might see: these he observed so punctually, that when he saw a squadron of four French men of war sailing towards Brest, that were visibly foul, and in no condition to make any resistance, he sent indeed one of his ships to view them, who engaged them, but Graydon gave the signal to call him off, upon which they got safe into Brest. This was afterwards known to be Du Casse's squadron, who was bringing treasure home from Cartagena and other ports of the West Indies, reported to be four millions of pieces of eight: but though here was a good prey lost, yet so careful was the prince's council to excuse every thing done by such a man, that they ordered an advertisement to be put in the Gazette, to justify Graydon; in which it was said, that pursuant to his orders he had not engaged that fleet g. The orders were indeed strangely given, yet our admirals had never thought themselves so bound down to them, but that upon great occasions, they might make stretches; especially where the advantage was visible, as it was in this case: for since they were out of the way of new orders, and new occasions might happen, which could not be known when their orders were given, the nature of the service seemed to give them a greater liberty than was fit to be allowed in the land service. When he came to the plantations, he acted in so savage a manner, as if he had been sent rather to terrify than to protect them: when he had drawn the forces together that were in the plantations, he

They returned without success.

g ("His conduct was censured by the house of lords, 23rd of March, 1704." Somerville's *Hist. of Great Britain during the Reign of Queen Anne*, chap. ii. p. 42. But see Campbell's Lives of the Admirals, vol. III. p. 386—388.)

went to attack Placentia: but he found it to be so well defended, that he did not think fit so much as to make any attempt upon it: so this expedition ended very ingloriously, and many complaints of Graydon's conduct were sent after him. 1703.

There was also a great complaint through the whole fleet of their victualling; we lost many of our seamen, who, as was said, were poisoned by ill food; and though great complaints were made of the victuallers, before the fleet went out, yet there was not such care taken to look into it as a matter of that consequence deserved: the merchants did also complain, that they were ill served with convoys, and so little care had been taken of the Newcastle fleet, that the price of coals rose very high: it was also said, that there was not a due care had of our seamen that were taken by the privateers, many of them died by reason of their ill usage, while others, to deliver themselves from that, went into the French service. Thus all our marine affairs were much out of order, and these disorders were charged on those who had the conduct of them; every thing was unprosperous, and that will always be laid heavily on those who are in the management of affairs: it is certain that, in the beginning of this reign, all those who hated the late king and his government, or had been dismissed the service by him, were sought out, and invited into employments: so it was not to be expected, that they could be faithful or cordial in the war against France. Our fleets were ill victualled. 360

The affairs of Scotland come next to be related: a new parliament was called, and many were chosen to serve in it, who were believed to be in secret engagements with the court at St. Germains: the lords, who had hitherto kept out of parliament, and The affairs of Scotland.

1703. were known to be Jacobites, came and qualified themselves, by taking the oaths, to vote in parliament: it was set up for a maxim, by the new ministry, that all the Jacobites were to be invited home: so a proclamation was issued out, of a very great extent, indemnifying all persons for all treasons committed before April last; without any limitation of time for their coming home, to accept of this grace, and without demanding any security of them for the future. The duke of Queensbury was sent down the queen's commissioner to the parliament: this inflamed all those who had formerly opposed him; they resolved to oppose him still in every thing, and the greater part of the Jacobites joined with them, but some of them were bought off, as was said, by him: he, seeing so strong an opposition formed against him, studied to engage the presbyterian party to stick to him: and even the party that united against him, were so apprehensive of the strength of that interest, that they likewise studied to court them, and were very careful not to give them any umbrage. By this, all the hopes of the episcopal party were lost; and every thing relating to the church did not only continue in the same state in which it was during the former reign,

Presbytery was confirmed.

but the presbyterians got a new law in their favour, which gave them as firm a settlement, and as full a security as law could give; for an act passed, not only confirming the claim of rights, upon which the crown had been offered to the late king, one of its articles being against prelacy, and for a parity in

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the church, but it was declared high treason to endeavour any alteration of it. It had been often proposed to the late king, to pass this into an act, but he would never consent to it: he said, he had taken

the crown on the terms in that claim, and that therefore he would never make a breach on any part of it; but he would not bind his successors, by making it a perpetual law. Thus a ministry, that carried all matters relating to the church to so great a height, yet, with other views, gave a fatal stroke to the episcopal interest in Scotland, to which the late king would never give way[h]. The great debates in this session were concerning the succession of the crown, in case the queen should die without issue. They resolved to give the preference to that debate, before they would consider the supplies; it was soon resolved that the successor to the crown after the queen, should not be the same person that was king or queen of England, unless the just rights of the nation should be declared in parliament, and fully settled in an independence upon English interests and councils. After this, they went to name particulars, which by some were carried so far, that those expedients were indeed the setting up a commonwealth, with the empty name of a king: for it was proposed, that the whole administration should be committed to a council, named by parliament, and that the legislature should be entirely in the parliament, by which no shadow of power was left with the crown, and it was merely a nominal thing: but

1703.

Debates concerning the succession to the crown.

[h] (The queen and her then ministry do not appear to have been altogether inattentive at this time to the interests of the episcopal church of Scotland, for it is related in Lockhart's Memoirs, first published in 1714, at p. 34, that in a letter from the queen to the Scotish privy council she recommended to it the case of the episcopal clergy; and it is added, that assurance was given them that her majesty intended to bestow the bishops' rents upon them. It must at the same time be observed, that the attachment of the Scotish episcopalians to the interests of her brother made it less easy, and perhaps less agreeable to the queen, to be of service to them.)

1703. the further entering upon expedients was laid aside for that time, only one act passed, that went a great way towards them: it was declared, that no succeeding king should have the power to engage the nation in a war, without consent of parliament. Another act of a strange nature passed, allowing the importation of French goods, which, as was pretended, were to be imported in the ships of a neutral state. The truth was, the revenue was so exhausted, that they had not enough to support the government without such help: those who desired to drink good wine, and all who were concerned in trade, ran into it; so it was carried, though with great opposition: the Jacobites also went into it, since it opened a free correspondence with France: it was certainly against the public interest of the government, in opposition to which private interest does often prevail. The court of St. Germains, perceiving such a disjointing in Scotland, and so great an opposition made in parliament, was from thence encouraged to set all their emissaries in that kingdom at work, to engage both the chief of the nobility, and the several tribes in the Highlands, to be ready to appear for them. One Frazier[i] had gone through the Highlands the former year, and from thence he went to France, where he pretended he had authority from the Highlanders to undertake to bring together a body of 12,000 men, if they might
[358] be assisted by some force, together with officers, arms, ammunition, and money from France. After he had delivered this message to the queen at St.

[i] Afterwards lord Lovat, and beheaded in 1747. O. (Compare Lockhart's Memoirs, p. 76—87. in confirmation of the bishop's account given in the following pages. See also Caveat against the Whigs, p. 46—62, and Somerville's Hist. of Queen Anne, chap. ix. p. 175—183.

Germains, she recommended him to the French ministers; so he had some audiences of them. He proposed that 5000 men should be sent from Dunkirk, to land near Dundee, with arms for 20,000 men; and that 500 should be sent from Brest, to seize on fort William, which commanded the great pass in the Highlands. The French hearkened to all this, but would not venture much upon slight grounds, so they sent him back with some others, in whom they confided more, to see how much they might depend on, and what the strength of the Highlanders was: they were also ordered to try whether any of the great nobility of that kingdom would engage in the design. 1703. Practices from France.

When these came over, Frazier got himself secretly introduced to the duke of Queensbury, to whom he discovered all that had been already transacted: and he undertook to discover the whole correspondence between St. Germains and the Jacobites; he also named many of the lords who opposed him most in parliament, and said, they were already deeply engaged. The duke of Queensbury hearkened very willingly to all this, and he gave him a pass to go through the Highlands again, where he found some were still very forward, but others were more reserved. At his return, he resolved to go back to France, and promised to make a more entire discovery: he put one letter in the duke of Queensbury's hands, from the queen at St. Germains, directed on the back (but by another hand) to the marquis of Athol: the letter was writ in such general terms, that it might have been directed to any of the great nobility: and probably he who was trusted with it had power given him to direct it to any, to A discovery made of these.

1703. whom he found it would be most acceptable: for there was nothing in the letter that was particular to any one person or family; it only mentioned the promises and assurances sent to her by that lord. This Frazier had been accused of a rape, committed on a sister of the lord Athol's, for which he was convicted and outlawed: so it might be supposed that he, to be revenged of the lord Athol, who had prosecuted him for that crime, might put his name on the back of that letter. It is certain, that the others who were more trusted, and were sent over with him, avoided his company, so that he was not made acquainted with that proceeding. Frazier came up to London in winter, and had some meetings with the practising Jacobites about the town, to whom he discovered his negotiation: he continued still to persuade the duke of Queensbury of his fidelity to him: his name was not told the queen; for when the duke of Queensbury wrote to her an account of the discovery, he added, that unless she commanded [359] it, he had promised not to name the person, for he was to go back to St. Germains, to complete the discovery. The queen did not ask his name, but had more regard to what he said, because in the main it agreed with the intelligence that her ministers had from their spies at Paris. The duke of Queensbury procured a pass for him to go to Holland, but by another name: for he opened no part of this matter to the earl of Nottingham, who gave the pass. The Jacobites in London suspected Frazier's correspondence with the duke of Queensbury, and gave advertisement to the lord Athol, and by this means the whole matter broke out, as shall be told afterwards. What influence soever this or any other practice

might have in Scotland, it is certain the opposition in parliament grew still greater; and since the duke of Queensbury would not suffer them to proceed in those strange limitations upon the crown that had been proposed, though the queen ordered him to pass the other bills, they would give no supply; so that the pay of the army, with the charge of the government, was to run upon credit, and by this means matters there were like to come to extremities. A national humour of rendering themselves a free and independent kingdom did so inflame them, that, as they had a majority of seventy in parliament, they seemed capable of the most extravagant things that could be suggested to them: the greatest part of the ministry forsook the duke of Queensbury in parliament; both the earl of Seafield, lord chancellor, the marquis of Athol, the lord privy seal, and lord Tarbet, the secretary of state, with all that depended on them, broke off from him: yet upon the conclusion of the session, Athol was made a duke, and Tarbet was made earl of Cromarty, which looked like rewarding them for their opposition. Soon after that, the queen resolved to revive the order of the thistle, that had been raised by her father, but was let fall by the late king: it was to be carried in a green ribbon, as the George is in a blue, and the glory was in the form of a St. Andrew's cross, with a thistle in the middle. Argyle, Athol, Annandale, Orkney, and Seafield were the first that had it, the number being limited to twelve[k]. And to such a height did the disorders in that kingdom rise, that great skill and much secret practice seemed necessary to set matters 1703.

[k] (See note before at p. 804, vol. I. folio edit.)

1703. right there: the aversion and jealousy towards those who had been most active in the last reign, and the favour shewed to those who were in king James's interests, had an appearance of bringing matters out of an excess, to a temper: and it was much magnified by those who intended to flatter the queen, on design to ruin her. Though the same measures were taken in England, yet there was less danger in following them here than there: errors might be sooner observed and easier corrected, where persons [360] are in view, and are watched in all their motions: but this might prove fatal at a greater distance, where it was more easy to deny or palliate things with great assurance. The duke of Queensbury's engrossing all things to himself increased the disgust at the credit he was in: he had begun a practice of drawing out the sessions of parliament to an unusual length; by which his appointments exhausted so much of the revenue, that the rest of the ministers were not paid, and that will always create discontent: he trusted entirely to a few persons, and his conduct was liable to just exceptions: some of those who had the greatest credit with him were believed to be engaged in a foreign interest; and his passing, or rather promoting the act, that opened a correspondence with France, was considered as a design to settle a commerce there: and upon that his fidelity or his capacity were much questioned [1].

Reflections on the conduct of affairs there.

[1] His fidelity might be questioned, but his capacity was out of all dispute, for any thing but getting of money, which he was universally allowed to be very dexterous at: the earl of Seafield told me, that at the time the bishop mentioned, he had obtained a warrant to pay himself, (as first commissioner of the treasury,) before any other demands, all his own stipends: which were so large, the whole revenue of Scotland could not satisfy them; and he had no remorse in leaving the

There were still high discontents in Ireland, occasioned by the behaviour of the trustees there. The duke of Ormond was the better received, when he went to that government, because he came after the earl of Rochester; till it appeared that he was in all things governed by him; and that he pursued the measures which he had begun to take, of raising new divisions in that kingdom: for, before that time, the only division in Ireland was, that of English and Irish, protestants and papists: but of late an animosity came to be raised there, like that we labour under in England, between whig and tory. The wiser sort of the English resolved to oppose this all they could, and to proceed with temper and moderation[m]: the parliament there was opened with speeches and addresses, that carried the compliments to the duke of Ormond so far, as if no other person besides himself could have given them that settlement which they expected from his government. The trustees had raised a scandal upon that nation, as if they designed to set up an independence upon England: so they began the session with a vote, disclaiming that as false and injurious. They expressed on all occasions their hatred of the trus- 1703. The affairs of Ireland.

rest of the company to shift for themselves, who most of them, if they had not been subsisted from England, must have retired out of mere necessity. D.

[m] The wiser sort had good reason to oppose this; but the duke of Ormond was far from having raised these disputes. The bishop, who has sworn to the truth of what he says, has forgot that he has charged it upon lord chancellor Porter, (page 159, folio edit.) though there is nobody in Ireland that does not know, that these distinctions were first begun by that very wise, but over-zealous whig, the lord Capel, whom the reverend author was unwilling to find fault with, being, if we are to believe himself, of no party, but a most disinterested reporter of truth. D.

1703. tees and of their proceedings, yet they would not presume to meddle with any thing they had done pursuant to the act that had passed in England, which vested the trust in them. They offered the necessary supplies, but took exceptions to the accounts that were laid before them, and observed some errors in them. This begat an uneasiness in the duke of Ormond; for though he was generous, and above all sordid practices, yet being a man of pleasure, he was much in the power of those who acted under him, and whose integrity was not so clear [n]. One great design of the wiser among them was, to break the power of popery, and the interest that the heads of the Irish families had among
361 them: they enacted the succession of the crown, to follow the pattern set them by England in every particular [o]: they also passed an act concerning papists, somewhat like that which had passed in England three years before; but with some more effectual clauses, for the want of which we have not yet had any fruit from that act: the main difference was that which made it look less invidious, and yet was more effectual, for breaking the dependence on the heads of families: for it was provided, that all estates should be equally divided

An act passed there against popery.

[n] ("They cheerfully granted "the supplies necessary for de- "fraying the expences of the "establishment, and acquitted "themselves with fidelity to "their constituents, by object- "ing to some erroneous state- "ments of public accounts, "and by cutting off unmerited "and extravagant pensions, "which saved the nation above "a hundred thousand pounds "per annum. Journals of the "House of Commons of Ire- "land. 1703." Somerville's *History of the Reign of Queen Anne*, c. xii. p. 276.)

[o] Whoever is king of England, is of course king of Ireland, by the dependency of that kingdom upon the crown of England. O.

among the children of papists, notwithstanding any settlements to the contrary, unless the persons on whom they were settled, qualified themselves by taking the oaths, and coming to the communion of the church: this seemed to carry no hardship to the family in general, and yet gave hopes of weakening that interest so considerably, that the bill was offered to the duke of Ormond, pressing him, with more than usual vehemence, to intercede so effectually, that it might be returned back under the great seal of England. They understood that the papists of Ireland had raised a considerable sum, to be sent over to England, to support their practices, in order to the stopping this bill: it came over warmly recommended by the duke of Ormond: but it was as warmly opposed by those who had a mind to have a share in the presents that were ready to be made. The pretence for opposing it was, that while the queen was so deeply engaged with the emperor, and was interceding for favour to the protestants in his dominions; it seemed not seasonable, and was scarce decent, to pass so severe a law against those of his religion: though this had the less strength, since it was very evident, that all the Irish papists were in the French interest, so there was no reason to apprehend that the emperor could be much concerned for them. The parliament of England was sitting when this bill came over, and men's eyes were much set on the issue of it: so that the ministers judged it was not safe to deny it: but a clause was added, which they hoped would hinder its being accepted in Ireland. That matter was carried on so secretly, that it was known to none but those who were at the council, till the news of it 1703.

1703. came from Ireland, upon its being sent thither: the clause was to this purpose, that none in Ireland should be capable of any employment, or of being in the magistracy in any city, who did not qualify themselves by receiving the sacrament, according to the test-act passed in England; which before this time had never been offered to the Irish nation. It was hoped by those who got this clause to be added to the bill, that those in Ireland who promoted it most, would now be the less fond of it, when it had such a weight hung to it: the greatest part of Ulster was possessed by the Scotch, who adhered stiffly to their first education in Scotland: and they were
362 so united in that way, that it was believed they could not find such a number of men, who would qualify themselves, as was necessary by this clause to maintain the order and justice of the country. Yet upon this occasion the Irish parliament proceeded with great caution and wisdom: they reckoned that this act, so far as it related to papists, would have a certain and great effect for their common security: and that when it was once passed, it would never be repealed: whereas if great inconveniencies did arise upon this new clause, it would be an easier thing to obtain a repeal of it, in a subsequent parliament, either of England or Ireland. So the act was passed, and those who thought they had managed the matter with a masterpiece of cunning, were outwitted by an Irish parliament. However this artifice, and some other things in the duke of Ormond's conduct, put them into such an ill humour, that the supply bill was clogged and lessened by many clauses added to it. The session ended in so much heat, that it was thought that parliament

would meet no more, if the duke of Ormond was continued in the government. 1703.

Jealousies of the ministry.

Thus the parts of the government that were thought the most easily managed, Scotland and Ireland, had of late been put into so much disorder, that it might prove no easy work to set them again in order. The government was every where going, as it were, out of joint: its nerves and strength seemed to be much slackened: the trusting and employing, not only violent tories, but even known Jacobites, as it brought a weakness on the management, so it raised a jealousy that could not be easily cured. Stories were confidently vented, and by some easily believed, that the queen was convinced of the wrong done her pretended brother [P], and that she was willing to put affairs in the hands of persons who favoured his succession. It was also observed, that our court kept too cold civilities with the house of Hanover, and did nothing that was tender or cordial looking that way: nor were any employed who had expressed a particular zeal for their interests. These things gave great jealousy. All that was said in excuse for trusting such persons was, that it was fit once to try if good usage could soften them, and bring them entirely into the queen's interests: and assurances were given, that, if upon a trial the effect hoped for did not follow, they should be again dismissed.

This was the state of our affairs when a new ses-

P The author has used the like expression before, which looks as if he did not believe even now the legitimacy of the pretender. O. (The author had done as much as any man to infuse a belief into others of his illegitimacy, whatever his own thoughts were. See notes at pp. 753. 817. of the first volume, folio edition.)

1703. sion of parliament was opened in November. The queen in her speech expressed a great zeal for carrying on the war, and with relation to the affairs of Europe: she recommended union and good agreement to all her people; she said she wanted words to express how earnestly she desired this. This was understood as an intimation of her desire, that there should be no further proceeding in the bill
363 against occasional conformity. Addresses full of respect were made to the queen, in return to her speech; and the lords, in theirs, promised to avoid every thing that should occasion disunion or contention: but nothing could lay the heat of a party, which was wrought on by some, who had designs that were to be denied or disguised, till a proper time for owning them should appear. A motion was made in the house of commons, for bringing in the bill against occasional conformity: great opposition was made to it; the court was against it, but it was carried by a great majority, that such a bill should be brought in. So a new draught was formed: in it, the preamble that was in the former bill was left out. The number, besides the family, that made a conventicle, was enlarged from five to twelve: and the fine set on those who went to conventicles, after they had received the sacrament, besides the loss of their employment, was brought down to fifty pound. These were artifices, by which it was hoped, upon such softenings, once to carry the bill on any terms: and when that point was gained, it would be easy afterwards to carry other bills of greater severity. There was now such a division upon this matter, that it was fairly debated in the house of commons: whereas before, it went there with such a torrent,

A bill against occasional conformity.

that no opposition to it could be hearkened to. 1703.
Those who opposed the bill went chiefly upon this ground, that this bill put the dissenters in a worse condition than they were in before: so it was a breach made upon the toleration, which ought not to be done, since they had not deserved it by any ill behaviour of theirs, by which it could be pretended that they had forfeited any of the benefits designed by that act. Things of this kind could have no effect but to embroil us with new distractions, and to disgust persons well affected to the queen and her government: it was necessary to continue the happy quiet that we were now in, especially in this time of war, in which even the severest of persecutors made their stops, for fear of irritating ill humours too much. The old topics of hypocrisy, and of the danger the church was in, were brought up again on behalf of the bill, and the bill passed in the house of commons by a great majority. And so it was sent up to the lords, where it occasioned one debate of many hours, whether the bill should be entertained and read a second time, or be thrown out: the prince appeared no more for it, nor did he come to the house upon this occasion: some who had voted for it, in the former session, kept out of the house, and others owned they saw farther into the design of the bill, and so voted against it. Upon a division it was carried, by a majority of twelve, not to give it a second reading, but to reject it.

Passed by the commons.

But rejected by the lords.

The bishops were almost equally divided: there were two more against it than for it. Among these, I had the largest share of censure on me, because I spoke much against the bill. I knew how the act

1703. of test was carried, as has been already shewn in its proper place. I related that in the house, and the many practices of the papists, of setting us of the church against the dissenters, and the dissenters against us, by turns, as it might serve their ends. I ventured to say, that a man might lawfully communicate with a church that he thought had a worship and a doctrine uncorrupted, and yet communicate more frequently with a church that he thought more perfect. I myself had communicated with the churches of Geneva and Holland; and yet at the same time communicated with the church of England: so, though the dissenters were in a mistake, as to their opinion which was the more perfect church, yet allowing them a toleration in that error, this practice might be justified [q]. I was desired to print what I said upon that occasion, which drew many virulent pamphlets upon me, but I answered none of them [r]. I saw the Jacobites designed to raise such a flame among us, as might make it scarce possible to carry on the war; those who went not so deep, yet designed to make a breach on the toleration, by gaining this point: and I was resolved never to be silent, when that should be brought into debate: for I have long looked on liberty of con-

[q] This bill I am persuaded was very ill meant, the work of a party for other purposes; but occasional conformity, and in the sacrament, merely for temporal emoluments, is very offensive, and often done against conscience for the sake of profit. Occasional conformity from a principle of Christian charity, from true catholicism, or necessity of communion, may be very conscientious, and sometimes commendable, when there is no sin in the matter conformed to. The sacramental test is made a sad and profane use of by others, and many more, I fear, than the dissenters. It is become a great scandal. O.

[r] (See note at p. 336, folio edition.)

science as one of the rights of human nature, antecedent to society, which no man could give up, because it was not in his own power: and our Saviour's rule, of doing as we would be done by, seemed to be a very express decision to all men, who would lay the matter home to their own conscience, and judge as they would willingly be judged by others [s]. 1703.

The clergy over England, who were generally inflamed with this matter, could hardly forgive the queen and the prince the coldness that they expressed on this occasion [t]. The lord Godolphin did so positively declare that he thought the bill unseasonable, and that he had done all he could to hinder its being brought in, that though he voted to give the bill a second reading, that did not reconcile the party to him [u]. They set up the earl of Rochester, as the only man to be depended on, who deserved to be the chief minister. The clergy out of humour.

The house of commons gave all the supplies that were necessary for carrying on the war: some tried to tack the bill against occasional conformity to the The commons vote all the necessary supplies.

[s] (Compare note at p. 322, folio edition.)

[t] (The queen's private sentiments were in favour of the bill, according to the duke of Leeds's statement in the house of lords at another time. See note below, at page 435, folio edit. As to the prince's inclinations, when on a former occasion he voted for the bill, Oldmixon mentions, that it was reported he should say to lord Wharton, as he was about to divide against him, 'My heart 'is vid you.' History of these Reigns, p. 219. The writers on the whig side at this period claim the prince of Denmark as attached to their party; but bishop Burnet says below, at p. 515, folio edit. that in his gratitude for the settlement of a hundred thousand pounds a year in case he should survive the queen, which the tories carried for him, he was much in the interests of that party.)

[u] (The whig author of the marquis of Wharton's Memoirs, published in 1716, observes, that, although lord Godolphin voted for the bill, it is very well known that he instructed his dependents to vote against it, p. 40.)

1703. bill of supply, but they had not strength to carry it. The commons shewed a very unusual neglect of all that related to the fleet, which was wont to be one of their chief cares: it was surmised, that they saw, that if they opened that door, discoveries would be made of errors that could neither be justified nor palliated, and that these must come home chiefly to their greatest favourites; so they avoided all examinations that would probably draw some censure on them.

Inquiries into the conduct of the fleet.

365 The lords were not so tender: they found great fault with the counsels, chiefly with the sending Shovell to the Mediterranean, and Graydon to the West-Indies: and laid all the discoveries, that were made to them, with their own observations on them, before the queen, in addresses that were very plain, though full of all due respect: they went on likewise, in their examinations of the outcry made of the waste of the public treasure in the last reign; they examined the earl of Orford's accounts, which amounted to seventeen millions, and upon which some observations had been made by the commissioners, for examining the public accounts; they found them all to be false in fact, or ill grounded, and of no importance.

The earl of Orford's accounts justified.

The only particular that seemed to give a just colour to exception was very strictly examined: he had victualled the fleet while they lay all winter at Cadiz: the pursers' receipts for the quantity that was laid into every ship were produced, but they had no receipts of the Spaniards, from whom they had bought the provisions; but they had entered the prices of them in their own books, and these were given in upon oath. This matter had been

much canvassed in the late king's time, and it stood thus: Russel, now earl of Orford, when he had been ordered to lie at Cadiz, wrote to the board of victualling, to send one over to provide the fleet; they answered, that their credit was then so low, that they could not undertake it: so he was desired to do it upon his own credit. It appeared, that no fleet nor single ship had ever been victualled so cheap as the fleet was then by him: it was not the custom in Spain to give receipts; but if any fraud had been intended, it would have been easy to have got the Spaniards, after they had their money, to have signed any receipts that could have been offered them, for swelling up the accounts; for the practices of swelling accounts, in their dealings with their own court, were well known there. Upon these reasons, the lords of the treasury had passed his accounts, and were of opinion that he had done a great service to the government in that whole transaction[x]. The house of lords did now confirm this; and ordered an account of that whole matter to be printed. 1703.

The commons made no progress in any discoveries of ill practices in the earl of Ranelagh's office, but concluded that matter with an address to the

[x] If the pious bishop had not so copiously sworn to the truth of his narrative, I could have sworn that he knew a better reason why Spanish receipts could not be produced; which was, that the king of Spain had sent vast quantities of provisions to regale the English fleet, which the earl of Orford took as presents to himself; and having undertaken the victualling, charged them in his accounts at the current prices. But I am not ignorant, that there is an ancient decision, that the saints may coin dollars, which Rook could not have been allowed the benefit of, in the like case. D. (Compare lord Hardwicke's note at p. 154, folio edit.)

1703. queen, that she would order a prosecution. This was an artifice to make the nation still think, that great discoveries of corruption might be made, if carefully looked after: it was expected, after such an outcry as they had made, and after the expense the nation was put to for this commission, and the extraordinary powers that were lodged with the commissioners, that at least some important discoveries should have been made by them.

366 The commons sent up a bill to the lords, for continuing the commission another year: it was observed that an alteration was made of the persons; some, who expected better places, got their names to be left out. The lords excepted to one Bierly, who was named to be one of the commissioners; because he had been a colonel, and had not yet cleared the accounts of his own regiment: so they struck out his name, and named another; and they added two more, who were not members of the house of commons. The reason of this was, because the members of that house would not appear before them, to explain some particulars; they only sent their clerk to inform them, and when the lords sent a message to the house of commons, to desire them to order their members to attend on their committee, all the return they had was, that they would send an answer, by messengers of their own: but this was illusory, for they sent no such message. So the lords thought it necessary, in order to their being better informed, to put some in the commission for the future, who should be bound to attend upon them, as oft as they should be called for. The commons rejected these amendments; and pretended that this was of the nature of a money-bill, and that

A bill for examining the public accounts lost between the two houses.

therefore the lords could make no alterations in it. 1703.
The message that the commons sent the lords upon this head came so near the end of the session, that the lords could not return an answer to it, with the reasons for which they insisted on their amendments; so that bill fell.

The charge of this commission amounted to eight thousand pounds a year; the commissioners made much noise, and brought many persons before them to be examined, and gave great disturbance to all the public offices, what by their attendance on them, what by copying out all their books for their perusal; and yet in a course of many years they had not made any one discovery: so a full stop was put to this way of proceeding [y].

A dispute concerning injustice in the elections of members of parliament.

An incident happened during this session which may have great consequences, though in itself it might seem inconsiderable: there have been great complaints long made, and these have increased much within these few years, of great partiality and injustice in the elections of parliament-men, both by sheriffs in counties, and by the returning officers in boroughs. In Aylesbury, the return was made by four constables, and it was believed, that they made a bargain with some of the candidates, and then managed the matter, so as to be sure, that the majority should be for the person to whom they had engaged themselves; they canvassed about the town, to know how the voters were set, and they resolved to find some pretence for disabling those who were engaged to vote for other persons than their friends, that they might be sure to have the majority in their own hands. And when this matter came to be ex- 367

[y] (But see note above at p. 311, folio edit.)

1703. amined by the house of commons, they gave the election always for him who was reckoned of the party of the majority, in a manner so barefaced, that they were scarce out of countenance when they were charged for injustices in judging elections. It was not easy to find a remedy to such a crying abuse, of which all sides in their turns, as they happened to be depressed, had made great complaints; but when they came to be the majority, seemed to have forgot all that they had formerly cried out on [z]. Some few excused this, on the topic of retaliation; they said, they dealt with others as they had dealt with them or their friends. At last an action was brought against the constables of Aylesbury, at the suit of one who had been always admitted to vote in former elections, but was denied it in the last election. This was tried at the assizes, and it was found there by the jury, that the constables had denied him a right, of which he was undoubtedly in possession, so they were to be cast at damages; but it was moved in the queen's bench, to quash all the proceedings in that matter, since no action did lie or had ever been brought upon that account. Powel, Gould, and Powis were of opinion, that no hurt was done the man; that the judging of elections belonged to the house of commons; that as this action was the first of its kind, so if it was allowed, it would bring on an infinity of suits, and put all the officers, concerned in that matter, upon great difficulties: lord chief justice Holt, though alone, yet differed from the rest; he thought this was a matter of the greatest importance, both to the whole nation in general, and to

[z] See antea, p. 162. O.

every man in his own particular; he made a great difference between an election of a member, and a right to vote in it; the house of commons were the only judges of the former, whether it was rightly managed or not, without bribery, fraud, or violence; but the right of voting in an election was an original right, founded either on a freehold of forty shillings a year in the county, or on burgageland, or upon a prescription, or by charter, in a borough: these were all legal titles, and as such were triable in a court of law. Acts of parliament were made concerning them, and by reason of these, every thing relating to those acts was triable in a court of law; he spoke long and learnedly, and with some vehemence upon the subject; but he was one against three, so the order of the court went in favour of the constables. The matter was upon that brought before the house of lords by a writ of error; the case was very fully argued at the bar, and the judges were ordered to deliver their opinions upon it, which they did very copiously [a]. 1703.

Chief justice Trevor insisted much on the authority that the house of commons had, to judge of all those elections; from that he inferred, that they only could judge who were the electors: petitions were often grounded on this, that in the poll some were admitted to a vote who had no right to it, and that 368

[a] Holt's opinion is now exploded by some of the best lawyers; and the resolutions of the house of commons upon this point are well and fully established. See for this the notes in my printed copy of the debates in the house of commons upon this matter, see postea, 407, &c. O. (Walpole, earl of Orford, in his curious and important Memoirs, lately published by lord Holland, remarks, in the character he draws of this most respectable man, speaker Onslow, that he was bigoted to the power of his own house, vol. I. p. 112.)

1703. others were denied it who had a right; so that in some cases they were the proper judges of this right: and if they had it in some cases, they must have it in all. From this he inferred, that every thing relating to this matter was triable by them, and by them only; if two independent jurisdictions might have the same case brought before them, they might give contrary judgments in it; and this must breed great distraction in the execution of those judgments.

To all this it was answered, that a single man, who was wronged in this matter, had no other remedy but by bringing it into a court of law; for the house of commons could not examine the right of every voter; if the man, for whom he would have voted, was returned, he could not be heard to complain to the house of commons, though in his own particular he was denied a vote, since he could not make any exceptions to the return; so he must bear his wrong, without a remedy, if he could not bring it into a court of law. A right of voting in an election was the greatest of all the rights of an Englishman, since by that he was represented in parliament; the house of commons could give no relief to a man wronged in this, nor any damages; they could only set aside one, and admit of another return; but this was no redress to him that suffered the wrong; it made him to be the less considered in his borough, and that might be a real damage to him in his trade: since this was a right inherent in a man, it seemed reasonable that it should be brought, where all other rights were tried, into a court of law; the abuse was new, and was daily growing, and it was already swelled to a great

height; when new disorders happen, new actions must lie, otherwise there is a failure in justice, which all laws abhor; practices of this sort were enormous and crying; and if the rule made in the queen's bench was affirmed, it would very much increase these disorders, by this indemnity, that seemed to be given to the officers who took the poll. 1703.

After a long debate, it was carried by a great majority to set aside the order in the queen's bench, and to give judgment according to the verdict given at the assizes. This gave great offence to the house of commons, who passed very high votes upon it, against the man of Aylesbury, as guilty of a breach of their privileges, and against all others who should for the future bring any such suits into courts of law; and likewise against all counsel, attorneys and others, who should assist in any such suits; and they affirmed, that the whole matter relating to elections belonged only to them: yet they did not think fit to send for the man who had sued, or rather in whose name the suit was carried on; so they let the matter as to him fall, under a shew of moderation and pity, and let it rest upon those general votes. The lords on their part ordered the whole state of the case to be drawn up and printed, which was done with much learning and judgment [b]; they also asserted the right, that all the people of England had, to seek for justice in courts of law, upon all such occasions; and that the house of commons, by their votes, struck at the liberties of the people, at the law of England, and at the judicature of the house of lords; and they ordered the lord keeper to send a copy of the case and of their votes to all the

The lords judge that the right of electing was triable at law.

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[b] By lord Somers. O.

1703. sheriffs of England, to be communicated to all the boroughs in their counties. The house of commons was much provoked with this, but they could not hinder it; the thing was popular, and the lords got great credit, by the judgment they gave, which let the people of England see how they might be redressed for the future, if they should meet with the injustice, the partiality, and other ill practices, that had appeared of late in elections, even beyond the examples of former times. This may prove a restraint on the officers, now that they see they are liable to be sued, and that a vote of the house of commons cannot cover them [c].

1704. The queen gave the tenths and first-fruits for the benefit of the poor clergy.

During the session, and on her own birthday, which was the sixth of February, the queen sent a message to the house of commons, signifying her purpose, to apply that branch of the revenue that was raised out of the first-fruits and tenths, payed by the clergy, to the increase of all the small benefices in the nation: this branch was an imposition, begun by the popes, in the time of the holy wars,

[c] In all this matter there was too much heat on all sides. It was made a party contest, and carried on for the sake of that. Lord Wharton was much concerned in it personally, the borough of Aylesbury being one of those he had election interests in, and which he applied himself to whenever he could, and with all sorts of management, in which he was very dexterous. He was extremely odious to the tories, and as much regarded by the whigs, to whom he was always very firm, and of great use from his abilities, especially in parliament. He was inclined to republicanism, (for which king William did not love him,) and was much made for leading and governing a party, especially the young men in it. See a written note signed W. Warburton, (now bishop of Gloucester,) at the end of what is called Machiavel's Letter to Zenobius Buondelmontius. It is in the printed copy I have of the English translation of Machiavel's works. O. (See more on this subject afterwards, p. 408—410.)

and it was raised as a fund to support those expeditions: but when taxes are once raised by such an arbitrary power as the popes then assumed, and after there has been a submission, and the payments have been settled into a custom, they are always continued, even after the pretence upon which they were at first raised subsists no more: so this became a standing branch of the papal revenue, till Henry the eighth seemed resolved to take it away: it was first abolished for a year, probably to draw in the clergy to consent the more willingly to a change that delivered them from such heavy impositions: but in the succeeding session of parliament, this revenue was again settled as part of the income of the crown for ever. It is true, it was the more easily borne, because the rates were still at the old value, which in some places was not the tenth, and in most not above the fifth part of the true value [d]: and the clergy had been often threatened with a new valuation, in which the rates should be rigorously set to their full extent [e]. 1704.

[d] Which is double a tenth. O. (The bishop might have said, that at the time he was writing, the old valuation of the whole benefice did not, in most cases, exceed the fifth part of the then annual value; and in some did not reach the tenth. But the rates that were old in the time of Henry VIII. are calculated on an average to be only about one third lower than the valuations in the king's books.)

[e] (With respect to a new valuation of the first fruits and tenths, there would be as much justice in the measure, as if, when a man had been robbed of a sum of money, which was afterwards taken from the robber by one, who finally left it to charitable uses, an additional sum should be demanded of the heir of the injured person, under a pretence, that what had been taken away, had in lapse of time become less, in proportion to his present income. Add to this the wrong, which would be done to the proprietors of advowsons, purchased under the sanction of the law for so long time past.)

1704. The tenths amounted to about 11,000*l.* a year, and the first-fruits, which were more casual, rose one year with another to 5000*l.* so the whole amounted to between sixteen and seventeen thousand pounds a year: this was not brought into the treasury, as the other branches of the revenue; but the bishops, who had been the pope's collectors,
370 were now the king's, so persons in favour obtained assignations on them for life or for a term of years: this had never been applied to any good use, but was still obtained by favourites, for themselves and their friends: and in king Charles the second's time, it went chiefly among his women and his natural children. It seemed strange, that while the clergy had much credit at court, they had never represented this as sacrilege, unless it was applied to some religious purpose, and that during archbishop Laud's favour with king Charles the first, or at the restoration of king Charles the second, no endeavours had been used to appropriate this to better uses; sacrilege was charged on other things, on very slight grounds; but this, which was more visible, was always forgot [f].

[f] We hear much of the poverty of some, but nothing of the wealth of others; but take it in the whole, and no Christian church has a better provision. If the lands belonging to deans and chapters, who are of no more use either to the church or state, than abbots and monks, were divided amongst the poor clergy in every diocese, there would be no just cause of complaint; unless that bishops' daughters would not go off so well as they do now with a good sinecure. And if bishops themselves were brought to an equality of revenue as well as function, it would prevent the great scandal given by commendams and translations, that are daily increasing. But it is to be hoped, that the legislature will think proper (some time or other) to put them under a better regulation. D. (This lord was no church tory, whatever kind of tory he was otherwise. A good answer to this scheme of

When I wrote the History of the Reformation, I considered this matter so particularly, that I saw here was a proper fund for providing better subsistence to the poor clergy; we having among us some hundreds of cures, that have not of certain provision twenty pounds a year; and some thousands, that have not fifty: where the encouragement is so small, what can it be expected clergymen should be? It is a crying scandal, that at the restoration of king Charles the second, the bishops and other dignitaries, who raised much above a million in fines, yet did so little this way: I had possessed the late queen with this, so that she was fully resolved, if ever she had lived to see peace and settlement, to have cleared this branch of the revenue of all the assignations that were upon it, and to have applied it to the augmentation of small benefices. This is plainly insinuated in the essay that I wrote on her memory, some time after her death. I laid the matter before the late king, when there was a prospect of peace, as a proper expression both of his thankfulness to almighty God, and of his care of the church; I hoped that this might have gained the hearts of the clergy: it might at least have put a stop to a groundless clamour raised against him, that he was an enemy to the clergy, which began then to have a very ill effect on all his affairs. He entertained this so well, that he ordered me to speak 1704.

dividing dean and chapter lands amongst the parochial clergy is given in a confutation of bishop Watson's letter to the archbishop of Canterbury, entitled, An Essay on the Revenues of the Church of England. Besides other considerations of importance, the pittance which would be added by such a division to the incomes of the parochial clergy, would ill compensate for the loss society sustained by the clergy's no longer mixing, as they do at present, with most of the different ranks in it.)

1704. to his ministers about it: they all approved it, the lord Somers and the lord Halifax did it in a most particular manner: but the earl of Sunderland obtained an assignation upon two dioceses, for two thousand pound a year for two lives; so nothing was to be hoped for after that. I laid this matter very fully before the present queen, in the king's time, and had spoken often of it to the lord Godolphin.

This time was perhaps chosen to pacify the angry clergy, who were dissatisfied with the court, and began now to talk of the danger the church was in, as much as they had done during the former reign: this extraordinary mark of the queen's piety and zeal for the church produced many addresses, full of compliments, but it has not yet had any great ef-
371 fect in softening the tempers of peevish men. When the queen's message was brought to the house of commons, some of the whigs, particularly sir John Holland and sir Joseph Jekyll, moved that the clergy might be entirely freed from that tax, since they bore as heavy a share of other taxes; and that another fund might be raised of the same value, out of which small benefices might be augmented: but this was violently opposed by Musgrave, and other tories, who said the clergy ought to be kept still in a dependence on the crown.

An act passed about it.

Upon the queen's message, a bill was brought in, enabling her to alienate this branch of the revenue, and to create a corporation by charter, to apply it to the use for which she now gave it: they added to this a repeal of the statute of *mortmain*, so far as that it might be free to all men, either by deed or by their last wills, to give what they thought fit towards the augmenting of benefices: it was suggested, how truly I cannot tell, that this addition

was made in hope that it would be rejected by the lords, and that the scandal of losing the bill might lie on them. It occasioned a great debate in the house of lords: it was said, that this law was made and kept up even during the times of popery, and it seemed not reasonable to open a door to practices upon dying men. It was answered, that we had not the arts of affrighting men by the terrors of purgatory, or by fables of apparitions: where these were practised, it was very reasonable to restrain priests from those artifices, by which they had so enriched their church, that without some such effectual checks they would have swallowed up the whole wealth of the world, as they had indeed in England, during popery, made themselves masters of a full third part of the nation. The bishops were so zealous and unanimous for the bill, that it was carried and passed into a law. The queen was pleased to let it be known, that the first motion of this matter came from me: such a project would have been much magnified at another time; and those who had promoted it would have been looked on as the truest friends of the church: but this did not seem to make any great impression at that time; only it produced a set of addresses, from all the clergy of England, full of thanks and just acknowledgments g. 1704.

A plot discovered.

I come now, in the last place, to give the relation of the discoveries made of a plot, which took up much of the lords' time, and gave occasion to many sharp reflections, that passed between the two houses

g (Cunningham, in his Hist. of Great Britain, vol. I. p. 417. relates, that a medal was this year struck on the occasion, with the following inscription:

Pietas Augustæ
Primitiis et Decimis Ecclesiæ Concessis
MDCCIV.)

1704. in their addresses to the queen. About the same time that the story of Frazier's pass and negotiations began to break out, sir John Maclean, a papist, and the head of that tribe or clan in the Highlands and western isles of Scotland, came over from France in a little boat, and landed secretly at Folkston in Kent: he brought his lady with him, though she had been delivered of a child but eleven days before. He was taken, and sent up to London; and
372 it seemed, by all circumstances, that he came over upon some important design: he pretended at first, that he came only to go through England and Scotland, to take the benefit of the queen's general pardon there: but when he was told, that the pardon in Scotland was not a good warrant to come into England, and that it was high treason to come from France without a pass, he was not willing to expose himself to the severity of the law: so he was pervailed on to give an account of all that he knew concerning the negotiations between France and Scotland. Some others were at the same time taken up upon his information, and some upon suspicion: among these there was one Keith, whose uncle was one of those who was most trusted by the court of St. Germains, and whom they had sent over with Frazier, to bring them an account of the temper the Scotch were in, upon which they might depend. Keith had been long at that court, he had free access both to that queen and prince, and hoped they would have made him under-secretary for Scotland; for some time he denied that he knew any thing, but afterwards he confessed he was made acquainted with Frazier's transactions, and he undertook to deal with his uncle to come and discover all he knew, and pretended there was no other design

among them, but to lay matters so, that the prince of Wales should reign after the queen. Ferguson offered himself to make great discoveries: he said, Frazier was employed by the duke of Queensbury, to decoy some into a plot which he had framed, and intended to discover, as soon as he had drawn many into the guilt: he affirmed that there was no plot among the Jacobites, who were glad to see one of the race of the Stuarts on the throne: and they designed, when the state of the war might dispose the queen to a treaty with France, to get such terms given her, as king Stephen and king Henry the sixth had, to reign during her life. When I heard this, I could not but remember what the duke of Athol had said to myself, soon after the queen's coming to the crown: I said, I hoped none in Scotland thought of the prince of Wales: he answered, he knew none that thought of him as long as the queen lived: I replied, that if any thought of him after that, I was sure the queen would live no longer than till they thought their designs for him were well laid: but he seemed to have no apprehensions of that. I presently told the queen this, without naming the person, and she answered me very quick, there was no manner of doubt of that: but though I could not but reflect often on that discourse, yet since it was said to me in confidence, I never spoke of it to any one person during all the inquiry that was now on foot: but I think it too material not to set it down here. Ferguson was a man of a particular character: upon the revolution he had a very good place given him[g], but his spirit was so turned to plotting, 1704.

[h]It was office or house keeper at the custom house; but he expected one of trust and business, and soon became as factious and violent a Jacobite as he had been a whig. H. (This

1704. that, within a few months after, he turned about, and
373 he has been ever since the boldest and most active man of the Jacobite party: he pretended he was now for high church, but many believed him a papist: there was matter of treason sworn both against him and Keith, but there was only one witness to it.

At the same time Lindsey was taken up. He had been under-secretary first to the earl of Melfort, and then to the earl of Middletoun; he had carried over from France the letters and orders that gave rise to the earl of Dundee's breaking out, the year after the revolution; and he had been much trusted at St. Germains. He had a small estate in Scotland, and he pretended that he took the benefit of the queen's pardon, and had gone to Scotland to save that; and being secured by this pardon, he thought he might come from Scotland to England; but he could pretend no colour for his coming to England: so it was not doubted but that he came hither to manage their correspondence and intrigues. He pretended he knew of no designs against the queen and her government; and that the court of St. Germains, and the earl of Middletoun in particular, had no design against the queen: but when he was shewed Frazier's commission to be a colonel, signed by the pretended king, and countersigned Middletoun, he seemed amazed at it: he did not pretend it was a forgery, but he said that things of that kind were never communicated to him.

At the same time that these were taken up, others were taken on the coast of Sussex. One of these, Boucher, was a chief officer in the duke of

place is said to have been worth five hundred pounds a year, and attended with little trouble. See Tindal's Continuation of Rapin's History of England, vol. I. p. 133.)

Berwick's family, who was then going to Spain, but it was suspected that this was a blind to cover his going to Scotland. The house of lords apprehended, that this man was sent on great designs, and suspecting a remissness in the ministry in looking after and examining those who came from France, they made an address to the queen, that Boucher might be well looked to; they did also order sir John Maclean to be brought before them: but the queen sent them a message, that Maclean's business was then in a method of examination, and that she did not think fit to alter that for some time; but as for Boucher, and those who were taken with him, the earl of Nottingham told the house, that they were brought up, and that they might do with them as they pleased. Upon that the house sent back Maclean, and ordered the usher of the black rod to take the other prisoners into his custody; and they named a committee of seven lords to examine them. At this time the queen came to the parliament, and acquainted both houses, that she had unquestionable proofs of a correspondence between France and Scotland, with which she would acquaint them when the examinations were taken. 1704.

Disputes between the two houses in addresses to the queen.

The commons were in an ill humour against the lords, and so they were glad to find occasions to vent it. They thought the lords ought not to have entered upon this examination; they complained of it as of a new and unheard-of thing, in an address to the queen: they said it was an invasion of her prerogative, which they desired her to exert. This was a proceeding without a precedent: the parliamentary method was, when one house was offended with any thing done in the other, conferences were demanded, in which matters were freely debated; to begin an 374

1704. appeal to the throne was new, and might be managed by an ill-designing prince, so as to end in the subversion of the whole constitution; and it was an amazing thing to see a house of commons affirm, in so public a manner and so positively, that the lords' taking criminals into their own custody, in order to an examination, was without warrant or precedent; when there were so many instances fresh in every man's memory, especially since the time of the popish plot, of precedents in both houses that went much further: of which a full search has been made, and a long list of them was read in the house of lords. That did not a little confound those among them who were believed to be in a secret correspondence with the house of commons; they were forced to confess, that they saw the lords had clear precedents to justify them in what they had done, of which they were in great doubt before.

The lords upon this made a very long address to the queen, in which they complained of the ill usage they had met with from the house of commons; they used none of those hard words that were in the address made against them by the house of commons, yet they justified every step they had taken, as founded on the law and practice of parliament, and no way contrary to the duty and respect they owed the queen. The behaviour of the house of commons was such, on this occasion, as if they had no mind that plots should be narrowly looked into: no house of parliament, and indeed no court of judicature, did examine any person, without taking him into their own custody during such examination; and if a person's being in custody must restrain a house of parliament from examining him, here was a maxim laid down, by which bad minis-

ters might cover themselves from any inquiry into their ill practices, only by taking the persons who could make discoveries into custody. The lords also set forth the ill consequences that might follow, upon one house of parliament carrying their complaints of another to the throne, without taking first the proper method of conferences. This address was drawn with the utmost force, as well as beauty and decency of style; and was reckoned one of the best pieces of its kind that were in all the records of parliament. The queen, in her answer, expressed a great concern to see such a dispute between the two houses. 1704.

Boucher, when he was examined, would confess nothing: he said he was weary of living so long out of his country, and that having made some attempt to obtain a pass, when that was denied him, he chose, rather than to live always abroad, to come and cast himself upon the queen's mercy. It did not seem reasonable to believe this: so the lords made an address to the queen, that he might have no hopes of pardon till he was more sincere in his discoveries; and they prayed that he might be prosecuted on the statute. He confessed his crime, and was condemned; but continued still denying that he knew any thing. Few could believe this; yet there being no special matter laid against him, his case was to be pitied: he proved that he had saved the lives of many prisoners during the war of Ireland, and that during the war in Flanders he had been very careful of all English prisoners. When all this was laid before the lords, they did not think fit to carry the matter further: so he was reprieved, and that matter slept. 375

1704. About the end of January, the queen sent the examinations of the prisoners to the two houses. The house of commons heard them read, but passed no judgment upon them, nor did they offer any advice to the queen upon this occasion: they only sent them back to the queen, with thanks for communicating them, and for her wisdom and care of the nation. It was thought strange, to see a business of this nature treated so slightly by a body that had looked, in former times, more carefully to things of this kind; especially since it had appeared, in many instances, how dexterous the French were in raising distractions in their enemies' country. It was evident, that a negotiation was begun, and had been now carried on for some time, for an army that was to be sent from France to Scotland; upon this, which was the main of the discovery, it was very amazing to see, that the commons neither offered the queen any advice, nor gave her a vote of credit, for any extraordinary expense in which the progress of that matter might engage her: a credit so given might have had a great effect towards defeating the design, when it appeared how well the queen was furnished to resist it. This coldness in the house of commons gave great and just ground of suspicion, that those who had the chief credit there, did not act heartily in order to the defeating all such plots, but were willing to let them go on without check or opposition.

The lords ordered a secret examination of all who were suspected to be in this plot.

The lords resolved to examine the whole matter narrowly: the earl of Nottingham laid before them an abstract of all the examinations the council had taken: but some took great exceptions to it, as drawn on design to make it appear more inconsider-

able than they believed it to be. The substance of 1704.
the whole was, that there went many messages between the courts of St. Germains and Versailles, with relation to the affairs of Scotland: the court of Versailles was willing to send an army to Scotland, but they desired to be well assured of the assistance they might expect there; in order to which, some were sent over, according to what Frazier had told the duke of Queensbury: some of the papers were 376
writ in gibberish, so the lords moved, that a reward should be offered to any who should decipher these. When the lords asked the earl of Nottingham, if every thing was laid before them, he answered, that there was only one particular kept from them; because they were in hopes of a discovery, that was like to be of more consequence than all the rest: so after the delay of a few days, to see the issue of it, which was Keith's endeavouring to persuade his uncle (who knew every step that had been made in the whole progress of this affair) to come in and discover it; when they were told there was no more hope of that, the lords ordered the committee, which had examined Boucher, to examine into all these discoveries. Upon this the commons, who expressed a great uneasiness at every step the lords made in the matter, went with a new address to the queen, insisting on their former complaints against the proceedings of the lords, as a wresting the matter out of the queen's hands, and the taking it wholly into their own; and they prayed the queen to resume her prerogative, thus violated by the lords, whose proceedings they affirmed to be without a precedent.

The seven lords went on with their examinations,

1704. and after some days they made a report to the house. Maclean's confession was the main thing; it was full and particular: he named the persons that sat in the council at St. Germains: he said, the command was offered to the duke of Berwick, which he declined to accept, till trial was made whether duke Hamilton would accept of it, who he thought was the proper person: he told likewise, what directions had been sent to hinder the settling the succession in Scotland; none of which particulars were in the paper that the earl of Nottingham had brought to the house of his confession. It was farther observed, that all the rest, whose examinations amounted to little, were obliged to write their own confessions, or at least to sign them: but Maclean had not done this; for after he had delivered his confession by word of mouth to the earl of Nottingham, that lord wrote it all from his report, and read it to him the next day; upon which he acknowledged it contained a full account of all he had said. Maclean's discovery to the lords was a clear series of all the counsels and messages, and it gave a full view of the debates and opinions in the council at St. Germains, all which was omitted in that which was taken by the earl of Nottingham, and his paper concerning it was both short and dark: there was an appearance of truth in all that Maclean told, and a regular progress was set forth in it.

Upon these observations, those lords who were not satisfied with the earl of Nottingham's paper, intended to have passed a censure upon it, as imperfect. It was said, in the debate that followed upon this motion, either Maclean was asked, who
377 was to command the army to be sent into Scot-

land, or he was not: if he was asked the question, and had answered it, then the earl of Nottingham had not served the queen or used the parliament well, since he had not put it in the paper; if it was not asked, here was great remissness in a minister, when it was confessed, that the sending over an army was in consultation, not to ask who was to command that army. Upon this occasion, the earl of Torrington[h] made some reflections that had too deep a venom in them: he said, the earl of Nottingham did prove, that he had often read over the paper, in which he had set down Maclean's confession, in his hearing; and had asked him, if all he had confessed to him was not fully set down in that paper: to which he always answered, that every thing he had said was contained in it. Upon this, that earl observed, that Maclean, having perhaps told his whole story to the earl of Nottingham, and finding afterwards that he had writ such a defective account of it, he had reason to conclude, (for he believed, had he been in his condition, he should have concluded so himself,) that the earl of Nottingham had no mind that he should mention any thing but what he had writ down, and that he desired that the rest might be suppressed: he could not judge of others but by himself; if his life had been in danger, and if he were interrogated by a minister of state, who could do him either much good or much hurt, and if he had made a full discovery to him, but had observed that this minister, in taking his confession in writing, had omitted many things, he should have understood that as an intimation that he was to speak of these things no more; and so he believed 1704.

[h] (Herbert earl of Torrington.)

1704. he should have said it was all, though at the same time he knew it was not all, that he had said. It was hereupon moved, that Maclean might be sent for and interrogated, but the party was not strong enough to carry any thing of that kind; and by a previous vote it was carried, to put no question concerning the earl of Nottingham's paper.

The lords were highly offended with Ferguson's paper, and passed a severe vote against those lords who had received such a scandalous paper from him, and had not ordered him to be prosecuted upon it; which they directed the attorney general to do. It was apparent, there was a train of dangerous negotiations, that passed between Scotland and St. Germains, though they could not penetrate into the bottom and depth of it: and the design of Keith's bringing in his uncle was managed so remissly, that it was generally concluded that it was not in earnest desired it should succeed. During these debates, one very extraordinary thing happened: the earl of Nottingham did, upon three or four occasions, affirm, that some things had been ordered in the cabinet council, which the dukes of Somerset and Devonshire, who were likewise of that council, did not agree with him in.

The lords' opinion upon the whole matter.

378 After all these examinations and debates, the lords concluded the whole matter, with voting that there had been dangerous plots between some in Scotland, and the court of France and St. Germains; and that the encouragement of this plotting came from the not settling the succession to the crown of Scotland, in the house of Hanover: these votes they laid before the queen; and promised, that when this was done, they would endeavour to pro-

mote the union of the two kingdoms, upon just and reasonable terms [i]. 1704.

This being ended, they made a long and vigorous address, in answer to that which the commons had made against them: they observed how uneasy the commons had been at the whole progress of their inquiry into this matter, and had taken methods to obstruct it all they could; which did not shew that zeal for the queen's safety, and the preservation of the nation, to which all men pretended: they annexed to their address a list of many precedents, to shew what good warrants they had for every step

An address justifying the proceeding of the lords.

[i] I have carefully read over all the papers in print about this plot, and am clear, that the lords' resolution was well founded, though such evidence as Frazier's was enough to disparage any plot. Sir John Maclean, however, and others, said enough to shew the intrigues between Scotland and St. Germains. The tories and Jacobites always flattered the queen; the one by crying up her hereditary title, the others by pretending a particular allegiance to her during her life. H. ("The evidence upon which "the lords founded their judg- "ment, consisted of the ex- "aminations of the suspected "persons, and of some of their "correspondents who resided "at Paris, of intercepted let- "ters of captain Fraser's, and of "gibberish letters, addressed "to some Scottish noblemen "in the interest of the Pre- "tender. From comparing "attentively these several "grounds of evidence, it ap- "pears, that great disagree- "ment subsisted among the "friends of the Pretender, both "at St. Germains and in Scot- "land; that the court of St. "Germains entertained the "hopes of being served by "some persons of rank in "Scotland, but that these "were founded upon the con- "struction put upon their con- "duct in parliament, rather "than upon any explicit as- "surance from themselves; "that, though a few of the no- "bility and gentry in Scotland "might have been pleased with "the restoration of the lineal "heir, yet no plan had been as "yet concerted for that pur- "pose, and that Fraser's in- "formation to the court of St. "Germains was altogether un- "founded. See Colin Camp- "bell's Declaration, Dec. 21, "1703, in the collection of pa- "pers about the Scottish plot, "p. 21. London, 1704. See "also chapter ix." Somerville's *Hist. of the Reign of Queen Anne*, ch. iii. note, p. 51.

1704. they had made: they took not the examination to themselves, so as to exclude others who had the same right, and might have done it as well as they, if they had pleased: their proceedings had been regular and parliamentary, as well as full of zeal and duty to the queen: they made severe observations on some of the proceedings in the house of commons, particularly on their not ordering writs to be issued out for some boroughs, to proceed to new elections, when they, upon pretence of corruption, had voted an election void; which had been practised of late, when it was visible that the election would not fall on the person they favoured. They charged this as a denial of justice, and of the right that such boroughs had to be represented in parliament, and as an arbitrary and illegal way of proceeding: this address was penned with great care and much force. These addresses were drawn by the lord Somers, and were read over and considered and corrected very critically, by a few lords, among whom I had the honour to be called for one. This, with the other papers that were published by the lords, made a great impression on the body of the nation: for the difference that was between these, and those published by the house of commons, was indeed so visible, that it did not admit of any comparison, and was confessed even by those who were the most partial to them [k].

An act for recruits.

An act passed in this session, which may be of great advantage to the nation, if well executed; otherwise, since it is only enacted for one year, it will not be of much use: it impowers the justices of peace, or any three of them, to take up such idle

[k] (See note before, at p. 343. folio edit.)

persons as have no callings nor means of subsistence, and to deliver them to the officers of the army, upon paying them the levy money that is allowed for making recruits: the methods of raising these hi- 379
therto, by drinking and other bad practices, as they were justly odious, so they were now so well known, that they were no more of any effect: so that the army could not be recruited, but by the help of this act. And if this is well managed, it will prove of great advantage to the nation; since by this means, they will be delivered from many vicious and idle persons, who are become a burden to their country: and indeed there was of late years so great an increase of the poor, that their maintenance was become in most places a very heavy load, and amounted to the full half of the public taxes. The party in both houses that had been all along cold and backward in the war, opposed this act with unusual vehemence; they pretended zeal for the public liberty, and the freedom of the person, to which, by the constitution, they said, every Englishman had a right; which they thought could not be given away, but by a legal judgment, and for some crime. They thought this put a power in the hands of justices of peace, which might be stretched and abused, to serve bad ends: thus men that seemed engaged to an interest that was destructive to all liberty, could yet make use of that specious pretence to serve their purpose. The act passed, and has been continued from year to year, with a very good effect: only a visible remissness appears in some justices, who are secretly influenced by men of ill designs. 1704.

The chief objection made to it in the house of lords was, that the justices of peace had been put An address concerning the justices of peace.

1704. in and put out, in so strange a manner, ever since Wright had the great seal, that they did not deserve so great a power should be committed to them: many gentlemen of good estates and ancient families had been of late put out of the commission, for no other visible reason, but because they had gone in heartily to the revolution, and had continued zealous for the late king. This seemed done on design to mark them, and to lessen the interest they had in the elections of members of parliament: and at the same time, men of no worth nor estate, and known to be ill-affected to the queen's title, and to the protestant succession, were put in, to the great encouragement of ill-designing men: all was managed by secret accusations, and characters that were very partially given. Wright was a zealot to the party, and was become very exceptionable in all respects: money, as was said, did every thing with him; only in his court, I never heard him charged for any thing but great slowness, by which the chancery was become one of the heaviest grievances of the nation. An address was made to the queen, complaining of the commissions of the peace, in which the lords delivered their opinion, that such as would not serve or act under the late king, were not fit to serve her majesty.

The ill temper of many, especially of the clergy.

With this the session of parliament was brought to a quiet conclusion, after much heat and a great deal of contention between the two houses: the queen, as she thanked them for the supplies, so she again recommended union and moderation to them. These words, which had hitherto carried so good a sound, that all sides pretended to them, were now become so odious to violent men, that even in ser-

mons, chiefly at Oxford, they were arraigned as importing somewhat that was unkind to the church, and that favoured the dissenters: the house of commons had, during this session, lost much of their reputation, not only with fair and impartial judges, but even with those who were most inclined to favour them. It is true, the body of the freeholders began to be uneasy under the taxes, and to cry out for a peace: and most of the capital gentry of England, who had the most to lose, seemed to be ill-turned, and not to apprehend the dangers we were in, if we should fall under the power of France, and into the hands of the pretended prince of Wales; or else they were so fatally blinded, as not to see that these must be the consequences of those measures into which they were engaged. 1704.

The universities, Oxford especially, have been very unhappily successful in corrupting the principles of those who were sent to be bred among them: so that few of them escaped the taint of it, and the generality of the clergy were not only ill-principled, but ill-tempered; they exclaimed against all moderation as endangering the church, though it is visible that the church is in no sort of danger, from either the numbers[1] or the interest that the dissenters have among us, which by reason of the toleration is now so quieted, that nothing can keep up any heat in

[1] A computation was made (by the direction of Compton bishop of London) soon after the revolution, of the number of dissenters, taking in papists and all others, and that made them to be as 1 to 10: but Maitland, very accurate in these matters, makes them (Hist. of Lond.) as 1 to 20 or 22, I cannot say which. O. (1 to 22½. Report of the number of freeholders in England, in the Appendix to Dalrymple's Memoirs, P. ii. p. 12.)

1704. those matters, but the folly and bad humour that the clergy are possessed with, and which they infuse into all those with whom they have credit: but at the same time, though the great and visible danger that hangs over us is from popery, which a miscarriage in the present war must let in upon us, with an inundation not to be either resisted or recovered, they seem to be blind on that side, and to apprehend and fear nothing from that quarter.

The convocation did little this winter, they continued their former ill practices, but little opposition was made to them, as very little regard was had to them: they drew up a representation of some abuses in the ecclesiastical discipline, and in the consistorial courts: but took care to mention none of those greater ones, of which many among themselves were eminently guilty; such as pluralities, non-residence, the neglect of their cures, and the irregularities in the lives of the clergy, which were too visible.

The duke of Marlborough went to Holland in winter.

Soon after the session was ended, the duke of Marlborough went over to Holland. He had gone over for some weeks, at the desire of the States, in January, and then there was a scheme formed for the operations of the next campaign. It was re-
381 solved, that instead of a fruitless one in the Netherlands, they would have a small army there, to lie only on the defensive, which was to be commanded by M. Auverquerque; but that since the Rhine was open, by the taking of Bonne, all up to the Mozelle, their main army, that was to be commanded by the duke of Marlborough, should act there: more was not understood to be designed, except by those who were taken into the confidence. Upon this, all the preparations for the campaign were ordered to be

carried up to the Rhine; and so every thing was in a readiness when he returned back to them in April: the true secret was in few hands, and the French had no hint of it, and seemed to have no apprehensions about it. 1704.

The earl of Nottingham was animated by the party, to press the queen to dismiss the dukes of Somerset and Devonshire from the cabinet council, at least that they might be called thither no more: he moved it often, but finding no inclination in the queen to comply with his motion, he carried the signet to her, and told her, he could not serve any longer in councils to which these lords were admitted: but the queen desired him to consider better of it [m]. He returned next day, fixed in his first resolution, to which he adhered the more steadily, because the queen had sent to the earl of Jersey for the lord chamberlain's staff, and to sir Edward Seymour for the comptroller's. The earl of Jersey was a weak man, but crafty, and well practised in the arts of a court: his lady was a papist, and it was believed, that while he was ambassador in France, he was secretly reconciled to the court of St. Germains: for after that, he seemed in their interests. It was one of the reproaches of the last reign, that he had so much credit with the late king; who was so sensible of it, that if he had lived a little while longer, he would have dismissed him: he was considered as the person that was now in the closest correspondence with the court of France; and though he was in himself a very inconsiderable man, yet he was applied to by all those who wished well to the court of St. Germains. The earl of Kent

The earl of Nottingham quitted his place.

The earl of Jersey and sir Edward Seymour turned out.

[m] See postea, p. 583. O.

1704. had the staff; he was the first earl of England, and had a great estate[n]: Mansell, the heir of a great family in Wales, was made comptroller; and after a month's delay, Harley, the speaker, was made secretary of state[o].

[n] The earl of Jersey was not so strong a man as bishop Burnet, but had more integrity, and a better judgment: it is true, his lady was a papist; but the rest of the story was believed by nobody but the bishop, and those who gave credit to his surmises. The earl of Kent was strong in nothing but money and smell, the latter to a high degree; the other procured him the staff, the quantity well known, and to whom given. D. The earl of Kent owed his white staff to lord treasurer Godolphin; the scandalous chronicle said, he lost money at play to the old duchess of Marlborough. H.

[o] And continued speaker. He had been often talked of for the office of secretary, some years before. *Vernon's Letters.* O. At this time lord Godolphin desired to speak with me at his own house; where he told me that he had something to propose to me, that he believed I would be unwilling to undertake: but some of my friends having lately quitted the service, it was possible I might be willing to be out of the way for a little time; therefore the queen designed to send me ambassador to Venice. I told him he knew I had refused to go to Hanover, and I should be very ill thought of, if I went to any other place. He said I had been over refined in that matter, but this was a very different case. I told him, (knowing very well what he meant,) that he was extremely mistaken if he thought I had any refinements upon that occasion; but if the queen thought it for her service that I should be out of the way, I needed not go so far, having a house in Staffordshire that I could easily and willingly retire to. He said, "Now you "mistake me extremely, for "there is nobody in the queen's "service that she would less "willingly part with than your-"self: but since you do not "like this employment, can "you think of any body else "that would be proper to "send?" I told him I supposed he knew the Venetians did not suffer any of their subjects to converse with foreign ministers, therefore a man of quality that could make a tolerable figure at an audience, was all that was wanting. He asked if I meant the duke of Somerset? I told him no, but I thought the earl of Manchester might serve very well. He laughed, and next council day he was declared so; and lord Godolphin told me, "It may "be you thought yourself in "jest, but he little knows how "much he is beholden to "you." D.

But now I turn to give an account of the affairs abroad; the emperor was reduced to the last extremities; the elector of Bavaria was master of the Danube all down to Passau, and the malecontents in Hungary were making a formidable progress: the emperor was not in a condition to maintain a defensive war long, on both hands; so that when these should come to act by concert, no opposition could be made to them. Thus his affairs had a very black appearance, and utter ruin was to be apprehended; Vienna would be probably besieged on both sides; and it was not in a condition to make a long defence: so the house of Austria seemed lost. Prince Eugene proposed that the emperor should implore the queen's protection; this was agreed to, and count Wratislaw managed the matter at our court with great application and secrecy; the duke of Marlborough saw the necessity of undertaking it, and resolved to try, if it was possible, to put it in execution. When he went into Holland in the winter, he proposed it to the pensioner and other persons of the greatest confidence; they approved of it, but it was not advisable to propose it to the States; at that time many of them would not have thought their country safe, if their army should be sent so far from them; nothing could be long a secret that was proposed to such an assembly, and the main hope of succeeding in this design lay in the secrecy with which it was conducted. Under the blind of the project of carrying the war to the Mozelle, every thing was prepared that was necessary for executing the true design. When the duke went over the second time, that which was proposed in public, related only to the motions towards the Mo-

1704.

The duke of Marlborough conducted his design with great secrecy.

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1704. zelle; so he drew his army together in May: he marched towards the Mozelle; but he went farther, and after he had gained the advance of some days of the French troops, he wrote to the States from Ladenburg, to let them know that he had the queen's order to march to the relief of the empire, with which he hoped they would agree, and allow of his carrying their troops to share in the honour of that expedition; he had their answer as quick as the courier could carry it, by which they approved of the design, and of his carrying their troops with him.

He marched to the Danube.

So he marched with all possible expedition from the Rhine to the Danube; which was a great surprise to the court of France, as well as to the elector of Bavaria. The king of France sent orders to mareschal Tallard, to march in all haste, with the best troops they had, to support the elector; he apprehended that the duke of Marlborough would endeavour to pass the Danube at Donawert, and so to break into Bavaria: to prevent that, he posted about 16,000 of his best troops at Schellenberg near Donawert; which was looked on as a very strong and tenable post. The duke of Marlborough joined the prince of Baden, with the imperial army, in the beginning of July; and after a long march, continued from three in the morning, they came up to the Bavarian troops towards the evening; they were so well posted, that our men were repulsed in the three first attacks with great loss; at last the enemy were beat from their posts, which was followed with a total rout, and we became masters of their camp, their artillery, and their baggage. Their general, Arco, with many others, swam over the Danube:

The battle of Schellenberg.

others got into Donawert, which they abandoned next morning, with that precipitation, that they were not able to execute the elector's cruel orders, which were to set fire to the town, if they should be forced to abandon it: great quantities of straw were laid in many places, as a preparation for that, in case of a misfortune. 1704. 383

The best half of the Bavarian forces were now entirely routed, about 5000 of them were killed: we lost as many, for the action was very hot, and our men were much exposed; yet they went still on, and continued the attack with such resolution, that it let the generals see how much they might depend on the courage of their soldiers. Now we were masters of Donawert, and thereby of a passage over the Danube, which laid all Bavaria open to our army: upon that the elector, with mareschal Marsin, drew the rest of his army under the cannon of Augsbourg, where he lay so well posted, that it was not possible to attack him, nor to force him out of it; the duke of Marlborough followed him, and got between him and his country; so that it was wholly in his power. When he had him at this disadvantage, he entered upon a treaty with him, and offered him what terms he could desire, either for himself or his brother, even to the paying him the whole charge of the war, upon condition that he would immediately break with the French, and send his army into Italy, to join with the imperialists there: his subjects, who were now at mercy, pressed him vehemently to accept of those terms; he seemed inclined to hearken to them, and messengers went often between the two armies: but this was done only to gain time, for he sent courier after courier

1704. with most pressing instances to hasten the advance of the French army. When he saw he could gain no more time, the matter went so far, that the articles were ordered to be made ready for signing: in conclusion, he refused to sign them; and then severe orders were given for military execution on his country: every thing that was within the reach of the army, that was worth taking, was brought away; and the rest was burnt and destroyed.

The two generals did after that resolve on further action, and since the elector's camp could not be forced, the siege of Ingolstad was to be carried on: it was the most important place he had, in which his great magazines were laid up. The prince of Baden went to besiege it; and the duke of Marlborough was to cover the siege, in conjunction with prince Eugene, who commanded a body of the imperial army, which was now drawn out of the posts in which they had been put, in order to hinder the march of the French: but they were not able to maintain them against so great a force as was now coming up; these formed a great army. Prince Eugene having intelligence of the quick motions of the French, posted his troops, that were about 18,000, as advantageously as he could: and went to concert matters with the duke of Marlborough, who lay at some distance: he upon that marched towards the prince's army with all possible haste, and so the two armies joined; it was now in the beginning of August. The elector hearing how
384 near M. Tallard was, marched with M. Marsin, and joined him. Their armies advanced very near ours, and were well posted; having the Danube on one side, and a rivulet on the other, whose banks were

high, and in some places formed a morass before them. The two armies were now in view one of another: the French were superior to us in foot by about 10,000; but we had 3000 horse more than they: the post, of which they were possessed, was capable of being, in a very little time, put out of all danger of future attacks; so the duke of Marlborough and prince Eugene saw how important it was to lose no time, and resolved to attack them the next morning: they saw the danger of being forced otherwise to lie idle in their camp, until their forage should be consumed, and their provisions spent. They had also intercepted letters from mareschal Villeroy to the elector, by which it appeared, that he had orders to march into Wirtemberg to destroy that country, and to cut off the communication with the Rhine, which must have been fatal to us: so the necessary dispositions were made for the next morning's action. Many of the general officers came and represented to the duke of Marlborough the difficulties of the design; he said he saw these well, but the thing was absolutely necessary: so they were sent to give orders every where, which was received all over the army with an alacrity, that gave a happy presage of the success that followed. 1704.

I will not venture on a particular relation of that great day: I have seen a copious account of it, prepared by the duke of Marlborough's orders, that will be printed some time or other: but there are some passages in it, which make him not think it fit to be published presently. He told me, he never saw more evident characters of a special providence than appeared that day; a signal one related to his own person: a cannon-ball went into the ground so near

1704. him, that he was some time quite covered with the cloud of dust and earth that it raised about him [P]. I will sum up the action in a few words.

The battle of Hocksted, (or Blenheim.)

Our men quickly passed the brook, the French making no opposition: this was a fatal error, and was laid wholly to Tallard's charge; the action that followed was for some time very hot, many fell on both sides; ten battalions of the French stood their ground, but were in a manner mowed down in their ranks; upon that, the horse ran many of them into the Danube, most of these perished; Tallard himself was taken prisoner. The rest of his troops were posted in the village of *Blenheim:* these seeing all lost, and that some bodies were advancing upon them which seemed to them to be thicker than indeed they were, and apprehending that it was impossible to break through, they did not attempt it, though brave men might have made their way. Instead of that, when our men came up to set fire to
385 the village; the earl of Orkney first beating a parley, they hearkened to it very easily, and were all made prisoners of war: there were about 1300 officers and 12,000 common soldiers, who laid down their arms, and were now in our hands. Thus all Tallard's army was either killed in the action, drowned in the Danube, or become prisoners by capitulation: things went not so easily on prince Eugene's side, where the elector and Marsin commanded; he was repulsed in three attacks, but carried the fourth, and broke in; and so he was master of their camp, cannon, and baggage. The enemy retired in some order, and he pursued them as far as men, wearied

[P] (Compare the author's observations below, p. 388, folio edit.)

with an action of about six hours, in an extreme hot day, could go; thus we gained an entire victory. In this action there was on our side about 12,000 killed and wounded; but the French and the elector lost about 40,000 killed, wounded, and taken. 1704.

The elector marched with all the haste he could to Ulm, where he left some troops, and then with a small body got to Villeroy's army. Now all Bavaria was at mercy; the electress received the civilities due to her sex, but she was forced to submit to such terms as were imposed on her: Ingolstad and all the fortified places in the electorate, with the magazines that were in them, were soon delivered up: Ausbourg, Ulm, and Meming quickly recovered their liberty; so now our army, having put a speedy conclusion to the war, that was got so far into the bowels of the empire, marched quickly back to the Rhine. The emperor made great acknowledgments of this signal service, which the duke of Marlborough had done him, and upon it offered to make him a prince of the empire; he very decently said, he could not accept of this, till he knew the queen's pleasure; and upon her consenting to it, he was created a prince of the empire, and about a year after Mindleheim was assigned him for his principality [q].

[q] After which, he assumed the title of highness abroad, which was given him by all the officers in the army: and he affected eating alone, which the duke of Mountague (who had married one of his daughters) was to countenance by standing at his meals. Nobody in England would allow of such distinctions; but every body thought his aim was to bring us by degrees to something much higher. When the queen was dead, he made a public entry into London, which surprised all the world, but had no effect besides raising an universal laughter. D. (The duke was deprived of his principality,

1704. Upon this great success in Germany, the duke of Savoy sent a very pressing message for a present supply; the duke of Vendome was in Piedmont, and after a long siege had taken Verceil, and was like to make a further progress: the few remains of the imperial army, that lay in the Modeneze, gave but a small diversion; the grand prior had so shut them up, that they lay on a feeble defensive; baron Leiningen was sent with another small army into the Brescian; but he was so ill supplied, that he could do nothing but eat up the country; and the Venetians were so feeble and so fearful, that they suffered their country to be eat up by both sides, without declaring for or against either. The prince of Baden insisted on undertaking the siege of Landaw, as necessary to secure the circles, Suabia in particular, from the excursions of that garrison: this was popular in Germany, and though the duke of Marlborough did not approve it, he did not oppose it with all the authority that his great success gave him: so the prince of Baden undertook it, while
386 the duke with his army covered the siege. This was universally blamed; for while France was in the consternation, which the late great loss brought them under, a more vigorous proceeding was like to have greater effects; besides that the imperial army was ill provided, the great charge of a siege was above their strength: the prince of Baden suffered

when the elector of Bavaria recovered his dominions; but was recompensed by the assignment of the principality of Nellenburgh in upper Austria. Yet it is somewhere said, that on the duke's death his and lord Godolphin's grandson, Godolphin marquis of Blandford, who died without issue, had the title of prince of Mindelheim confirmed to him by the emperor Charles the sixth.)

much in his reputation for this undertaking; it was that which the French wished for, and so it was suspected that some secret practice had prevailed on that prince to propose it. It is certain, that he was jealous of the glory the duke had got, in which he had no share; and it was believed, that if he had not gone to besiege Ingolstat, the battle had never been fought: he was indeed so fierce a bigot in his religion, that he could not bear the successes of those he called heretics, and the exaltation which he thought heresy might have upon it. 1704.

While the duke of Marlborough lay covering the siege, Villeroy with his army came and looked on him; but as our soldiers were exalted with their success, so the French were too much dispirited with their losses to make any attack, or to put any thing to hazard in order to raise the siege: they retired back, and went into quarters, and trusted to the bad state of the imperial army, who were ill provided and ill supplied; the garrison made as vigorous a defence, and drew out the siege to as great a length, as could be expected: the prince of Baden had neither engineers nor ammunition, and wanted money to provide them; so that if the duke had not supplied him, he must have been forced to give it over. The king of the Romans came again to have the honour of taking the place; his behaviour there did not serve to raise his character; he was not often in the places of danger, and was content to look on at a great and safe distance; he was always beset with priests, and such a face of superstition and bigotry appeared about him, that it very much damped the hopes that were given of him.

When it appeared that there was no need of an

1704. army to cover the siege, and that the place could not hold out many days, the duke of Marlborough resolved to possess himself of Triers, as a good winter quarter, that brought him near the confines of France; from whence he might open the campaign next year with great advantage: and he reckoned that the taking of Traerback, even in that advanced season, would be soon done: and then the communication with Holland, by water, was all clear: so that during the winter, every thing that was necessary could be brought up thither from Holland safe and cheap. This he executed with that diligence, that the French abandoned every place as he advanced, with such precipitation, that they had not time given them to burn the places they forsook, according to the barbarous method which they had long practised. The duke got to Triers, and that being a large place, he posted a great part of his army in and about it, and left a sufficient force with the prince of Hesse for the taking of Traerback, which held out some weeks, but capitulated at last. Landaw was not taken before the middle of November [r].

The duke of Marlborough advanced to Triers.

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Thus ended this glorious campaign, in which England and Holland gained a very unusual glory: for as they had never sent their armies so far by

[r] The tories affected to talk slightingly of the duke of Marlborough's march to the Danube, and the duchess of Marlborough left it on record in her Memoirs, (though not in the printed ones,) that sir Edward Seymour declared, they would run him down when he came back, as a pack of hounds do a hare. So ignorant and so violent was that eminent party leader: the march might have been defended, though the battle of Blenheim had been lost; it was the only measure for saving the house of Austria, and in effect the grand alliance. H.

land, so their triumphant return helped not a little to animate and unite their counsels. Prince Eugene had a just share in the honour of this great expedition, which he had chiefly promoted by his counsels, and did so nobly support by his conduct. The prince of Baden had no share in the public joy: his conduct was as bad as could be, and the fret he was possessed with, upon the glory that the other generals carried from him, threw him, as was believed, into a languishing, of which he never quite recovered, and of which he died two years after. 1704.

At the conclusion of the campaign, the duke of Marlborough went to Berlin, where he concerted the measures for the next campaign, and agreed with the king of Prussia for 8000 of his troops, which were to be sent to Italy upon the queen's pay: he had settled matters with the emperor's ministers, so that they undertook to send prince Eugene with an army of 20,000 men, who should begin their march into Italy, as soon as it was possible to pass the mountains: of these the queen and the States were to pay 16,000. He returned by the court of Hanover, where he was treated with all the honour that the success of the campaign well deserved: he met with the same reception in Holland, and was as much considered and submitted to, as if he had been their stadtholder: the credit he was in among them was very happy to them, and was indeed necessary at that time for keeping down their factions and animosities, which were rising in every province, and in most of their towns. Only Amsterdam, as it was the most sensible of the common danger, so it was not only quiet within itself,

1704. but it contributed not a little to keep all the rest so, which was chiefly maintained by the duke of Marlborough's prudent management. England was full of joy, and addresses of congratulation were sent up from all parts of the nation; but it was very visible that, in many places, the tories went into these very coldly, and perhaps that made the whigs the more zealous and affectionate.

Affairs at sea. I now turn to the other element, where our affairs were carried on more doubtfully. Rook sailed into the Straits where he reckoned he was strong enough for the Toulon squadron, which was then abroad in the Mediterranean. Soon after that, a strong squadron from Brest passed by Lisbon into the Straits. Methuen, our ambassador there, apprehending that if these two squadrons should join to attack Rook, it would not be possible for him to fight against so great a force, sent a man of war, that Rook had left at Lisbon, with some particular
388 orders, which made him very unwilling to carry the message, but Methuen promised to save him harmless. He upon that sailed through the French fleet, and brought this important advertisement to Rook; who told him, that on this occasion he would pass by his not observing his orders, but that for the future, he would find the safest course was to obey orders. Upon this Rook stood out of the way of the French, towards the mouth of the Straits, and there he met Shovel, with a squadron of our best ships; so being thus reinforced, he sailed up the Straits, being now in a condition, if need were, to engage the French. He came before Barcelona, where the prince of Hesse Darmstat assured him, there was a strong party ready to declare for king

Charles, as it was certain that there was a great disposition in many to it. But Rook would not stay above three days before it: so that the motions within the town, and the discoveries that many made of their inclinations, had almost proved fatal to them: he answered, when pressed to stay a few days more, that his orders were positive; he must make towards Nice: which it was believed the French intended to besiege [s]. 1704.

But as he was sailing that way, he had advice that the French had made no advances in that design: so he turned his course westward, and came in sight of the French fleet, sailing from Brest to

[s] ("When the expedition against Barcelona was set on foot, sir George Rooke immediately concurred to the utmost of his power, and the fleet arrived safely before that city in the beginning of May; the troops on board were, with great difficulty, made up two thousand men, by volunteers from the fleet; and yet with this handful of forces, the place might possibly have been taken, if the partisans of the house of Austria, instead of holding private consultations, had taken some vigorous resolution, and executed it immediately; but they met so often, and to so little purpose, that king Philip's viceroy discovered the design, and arrested the persons who were at the head of it; which frustrated the whole affair, and engaged even the gallant and enterprising prince of Hesse to desire the admiral to re-embark the troops, which he accordingly did. After the attempt on Barcelona, the admiral, though not joined by the reinforcement from England, chased the Brest squadron into Toulon; and having afterwards passed through the Strait's mouth, joined sir Cloudesley Shovel with the fleet under his command, off Lagos, and continued cruising for about a month, in expectation of orders from home, or from the court of Spain. On the 17th of July, being in the road of Tetuan, a council of war was called, in which several schemes were examined, but were all found to be impracticable; at last sir George proposed the attacking of Gibraltar, which was agreed to, and immediately put in execution." *Memoirs of sir George Rooke* in Campbell's Lives of the Admirals, vol. IV. p. 318. See also Campbell himself, vol. III. p. 396.)

1704. Toulon. The advantage he had was so visible, that it was expected he would have made towards them; he did it not: what orders he had was not known, for the matter never came under examination: they got to Toulon, and he steered another way. The whole French fleet was then together in that harbour, for though the Toulon squadron had been out before, it was then in port[t].

A very happy accident had preserved a rich fleet of merchant ships from Scanderoon, under the convoy of three or four frigates, from falling into their hands. The French fleet lay in their way in the bay of Tunis, and nothing could have saved them from being taken, but that which happened in the critical minute in which they needed it: a thick fog covered them all the while that they were sailing by that bay, so that they had no apprehension of the danger they were in till they had passed it. I know it is not possible to determine, when such accidents rise from a chain of second causes in the course of nature, and when they are directed by a special providence: but my mind has always carried me so strongly to acknowledge the latter, that I love to set these reflections in the way of others, that they may consider them with the same serious attention that I feel in myself.

Gibraltar was taken. Rook, as he sailed back, fell in upon Gibraltar;

[t] (Cole, in a note on this history, quotes sir Martin Leake, in his Life of sir John Leake, p. 81, as opposed to the truth of this account, and as remarking "that it is the bishop's "way never to speak well of "those whom he disliked." Compare also Campbell's Lives of the Admirals in the place above cited, where it is stated that the whole of this affair was so perfectly well conducted, that our allies and our enemies join in commending sir George Rooke's conduct.)

where he spent much powder, bombarding it to very little purpose, that he might seem to attempt somewhat, though there was no reason to hope that he could succeed. Some bold men ventured to go ashore, in a place where it was not thought possible to climb up the rocks; yet they succeeded in it. When they got up, they saw all the women of the town were come out, according to their superstition, to a chapel there, to implore the virgin's protection; they seized on them, and that contributed not a little to dispose those in the town to surrender: they had leave to stay or go as they pleased; and in case they stayed, they were assured of protection in their religion, and in every thing else; for the prince of Hesse, who was to be their governor, was a papist: but they all went away, with the small garrison that had defended the place. The prince of Hesse, with the marines that were on board the fleet, possessed himself of the place, and they were furnished out of the stores that went with the fleet, with every thing that was necessary for their subsistence or defence; and a regular method was laid down of supplying them constantly from Lisbon [u]. 1704. 389

[u] (The following account of the capture of this important place is given by Ralph the historian, in his Answer to the duchess of Marlborough's Account of her own Conduct. "July twenty-first, the fleet "got into the bay; and at three "in the afternoon the English "and Dutch marines, to the "number of 1800, under the "command of the prince of "Hesse-Darmstadt, were set "on shore to possess the neck "of land, and cut off all communication between the garrison and the adjacent country.

"The twenty-second, the "disposition was made by the "admiral for cannonading the "town; but the wind blowing "contrary, the men of war "could not take possession of "their appointed stations, till "the evening came on. But "soon after day-break, the next "morning, the signal was given; "and so vigorous a fire ensued, "that, in less than six hours,

1704. It has been much questioned, by men who understand these matters well, whether our possessing ourselves of Gibraltar, and our maintaining ourselves in it so long, was to our advantage or not. It has certainly put us to a great charge, and we have lost many men in it; but it seems the Spaniards, who should know the importance of the place best, think it so valuable, that they have been at a much greater charge, and have lost many more men, while they have endeavoured to recover it, than the taking or keeping it has cost us: and it is certain that in war,

" 1500 shot had been discharged; to so good a purpose, that the enemy were beat from their guns; and the admiral, snatching the opportunity, ordered the boats to be manned and armed, and an immediate attack to be made on the platform on the south mole head; on the taking of which the whole success of the enterprise depended. As this command was given with judgment, it was executed with a resolution that will reflect an everlasting honour on the English seamen. For, notwithstanding the incredible difficulty of the attempt, both from the natural and artificial strength of the place, they surmounted all obstacles. An action that scarce ever was equalled, and never can be surpassed! the works being defended by an hundred pieces of cannon towards the sea; and fifty men being judged sufficient to maintain that post against several thousand regular troops. But those who first made themselves masters of the platform, paid dear for their distinguished bravery; the Spaniards soon after springing a mine, by which two lieutenants and forty seamen were killed, and sixty wounded.

" This did not however deter the rest from rushing into the like danger; for in the midst of the smoking ruins, they manifested the same ardour, and not only made good the advantage they had obtained, but pressing onward still, carried another important redoubt, half way between the mole and the town, with the like astonishing intrepidity; made themselves masters of many of the enemy's cannon, and had the place at their mercy.

" Upon this, the governor was summoned to surrender; articles of capitulation were signed the next day; in the evening, the prince of Hesse took possession of it." P. 229.)

whatsoever loss on one side occasions a greater loss of men or of treasure to the other, must be reckoned a loss only to the side that suffers most. 1704.

Our expedition in Portugal, and our armies there, which cost us so dear, and from which we expected so much, had not hitherto had any great effects. The king of Portugal expressed the best intentions possible; but he was much governed by his ministers, who were all in the French interests: they had a great army, but they had made no preparations for taking the field; nor could they bring their troops together, for want of provisions and carriages; the forms of their government made them very slow, and not easily accessible: they were too proud to confess that they wanted any thing, when they had nothing, and too lazy to bestir themselves to execute what was in their power to do; and the king's ill health furnished them with an excuse for every thing that was defective and out of order. The priests, both in Spain and Portugal, were so universally in the French interest, that even the house of Austria, that had been formerly so much in their favour, was now in disgrace with them: their alliance with heretics, and their bringing over an army of them to maintain their pretensions, had made all their former services be forgotten: the governing body at Rome did certainly engage all their zealots every where to support that interest, which is now so set on the destruction of heresy. King Philip advanced towards the frontiers of Portugal, his army being commanded by the duke of Berwick, who began to shine there, though he had passed elsewhere for a man of no very great character. They had several advantages of the Portugueze: The affairs of Portugal.

1704. some of the English and Dutch battalions, which were so posted that they could not be relieved, and in places that were not tenable, fell into the enemy's hands, and were made prisoners of war. Some of the general officers, who came over, said to me, that if the duke of Berwick had followed his advantages, nothing could have hindered his coming to Lisbon. The duke of Schomberg was a better officer in the field than in the cabinet; he did not enough know how to prepare for a campaign; he was both too unactive and too haughty; so it was thought necessary to send another to command: the earl of Galway was judged the fittest person for that service; he undertook it more in submission to the queen's commands, than out of any great prospect or hopes of success: things went on very heavily there; the distraction that the taking Gibraltar put the Spaniards in, as it occasioned a diversion of some of the Spanish forces that lay on their frontier, so it furnished them with advantages, which they took no care to improve.

A fight at sea.

Rook, after he had supplied Gibraltar, sailed again into the Mediterranean; and there he met the count of Thoulouse, with the whole French fleet: they were superior to the English in number, and had many galleys with them that were of great use. Rook called a council of war, in which it was resolved to engage them: there was not due care taken to furnish all the ships with a sufficient quantity of powder, for some had wasted a great part of their stock of ammunition before Gibraltar; yet they had generally twenty-five rounds, and it had seldom happened that so much powder was spent in an action at sea. On the 12th of August, just ten days

after the battle of Hocksted, the two fleets engaged: Shovel advanced with his squadron to a close fight, for it was the maxim of our seamen to fight as near as they could; he had the advantage, and the squadron before him gave way: Rook fought at a greater distance[x]: many broadsides passed, and the engagement continued till night parted them: some ships that had spent all their ammunition, were forced on that account to go out of the line, and if the French had come to a new engagement next day, it might have been fatal, since many of our ships were without powder, whilst others had enough and to spare[y]. 1704.

In this long and hot action, there was no ship of either side that was either taken, sunk, or burnt: we made a shew the next day of preparing for a second engagement, but the enemy bore off, to the great joy of our fleet. The French suffered much in this action, and went into Toulon so disabled, that they could not be put in a condition to go to sea again in many months: they left the sea, as the field of battle, to us; so the honour of the action re-

[x] Yet he never was suspected of the want of courage. He was a man of great parts, more of a turn for a court than most men of his profession, and seemed to aim more at counsels and conduct at home than in command and action abroad. He was very proud and very ambitious of honours, and hoped to have the garter for his successes in this expedition. Shovel's letter upon this action says, a sharper engagement between two fleets never had been, he believed, in any time; that many of our ships had suffered much, but none more than sir George Rook's and captain Jennings's, afterwards sir John Jennings. See antea, 341. O. (Admiral Shovel's letter is given by Ralph in his Answer to the duchess of Marlborough just cited, p. 234, where the latter passage stands thus: "A great many (ships) "have suffered much, but none "more than sir George Rook "and captain Jennings in the "St. George.")

[y] The best account of this action that I have seen is in some unfinished memoirs of sir G. Byng, of which I have extracts. H.

1704. mained with us, though the nation was not much
391 lifted up with the news of a drawn battle at sea with the French. We were long without a certain account of this action: but the modesty in which the king of France wrote of it to the archbishop of Paris, put us out of all fears; for whereas their style was very boasting of their successes, in this it was only said, that the action was to his advantage: from that cold expression we concluded the victory was on our side.

When the full account was sent home from our fleet, the partialities on both sides appeared very signally: the tories magnified this as a great victory, and in their addresses of congratulation to the queen, they joined this with that which the duke of Marlborough had gained at Hocksted. I understand nothing of sea matters, and therefore cannot make a judgment in the point: I have heard men skilled in those affairs differ much in their sentiments of Rook's conduct in that action; some not only justifying but extolling it, as much as others condemned it. It was certainly ridiculous, to set forth the glory of so disputable an engagement in the same words with the successes we had by land. The fleet soon after sailed home for England, Leak being left with a squadron at Lisbon.

The siege of Gibraltar.

The Spaniards drew all the forces they had in Andalousia and Estremadura together, to retake Gibraltar: that army was commanded by the duke of Villadarias; he had with him some French troops, with some engineers of that nation, who were chiefly relied on, and were sent from France to carry on the siege. This gave some disgust to the Spaniards, who were so foolish in their pride, that though they

could do nothing for themselves, and indeed knew not how to set about it, yet could not bear to be taught by others, or to see themselves outdone by them. The siege was continued for above four months, during which time the prince of Hesse had many occasions given him to distinguish himself very eminently, both as to his courage, conduct, and indefatigable application. Convoys came frequently from Lisbon with supplies of men and provisions, which the French were not able to hinder or to intercept. Pointy at last came with a squadron of twenty French ships, and lay long in the bay, trying what could be done by sea, while the place was pressed by land. Upon that a much stronger squadron was sent from Lisbon, with a great body of men and stores of all sorts, to relieve the place and to raise the siege; and the court of France, not being satisfied with the conduct of the Spanish general, sent mareschal Tesse to carry on the siege with greater expedition. The Portugueze all this while made no use of the diversion given by the siege of Gibraltar; they made great demands on us; for England was now considered as a source that could never be exhausted: we granted all their demands, and a body of horse was sent to them at a vast charge. The king was in a very ill state of health, occasioned by disorders 392
in his youth; he had not been treated skilfully, so he was often relapsing, and was not in a condition to apply himself much to business. For some time, our queen dowager was set at the head of their councils: her administration was much commended, and she was very careful of the English, and all their concerns [z].

1704.

[z] (See note above at p. 435, folio edition.)

1704. In Italy the duke of Savoy had a melancholy campaign, losing place after place; but he supported his affairs with great conduct, and shewed a firmness in his misfortunes beyond what could have been imagined. Verceil and Yvrea gave the duke of Vendome the trouble of a tedious siege; they stood their ground as long as possible: the duke of Savoy's army was not strong enough to raise these sieges, so both places fell in conclusion. The French had not troops both to carry on the war and to leave garrisons in those places, so they demolished the fortifications: after they had succeeded so far, they sat down before Verue, in the end of October. The duke of Savoy posted his army at Crescentino, over against it, on the other side of the Po: he had a bridge of communication: he went often into the place during the siege, to see and animate his men, and to give all necessary orders: the sick and wounded were carried away, and fresh men put in their stead. This siege proved the most famous of all that had been during the late wars; it lasted above five months, the garrison being often changed, and always well supplied. The French army suffered much by continuing the siege all the winter, and they were at a vast charge in carrying it on: the bridge of communication was, after many unsuccessful attempts, at last cut off; and the duke of Savoy, being thus separated from the place, retired to Chivaz, and left them to defend themselves as long as they could, which they did beyond what could in reason have been expected. The duke of Savoy complained much of the emperor's failing to make good his promises; but in a discourse upon that subject with the queen's envoy, he said, though

Affairs in Italy.

he was abandoned by his allies, he would not abandon himself. 1704.

The poor people in the Cevennes suffered much this summer: it was not possible to come to them with supplies, till matters should go better in Piedmont, of which there was then no prospect; they were advised to preserve themselves the best they could. Mareschal Villars was sent into the country to manage them with a gentler hand; the severe methods taken by those formerly employed being now disowned, he was ordered to treat with their leaders, and to offer them full liberty to serve God in their own way without disturbance. They generally inclined to hearken to this; for they had now kept themselves in a body much longer than was thought possible in their low and helpless state: some of them capitulated, and took service in the French army; but as soon as they came near the armies of the allies, they deserted and went over to them: so that by all this practice, that fire was 393 rather covered up at present, than quite extinguished [a]. And in the Cevennes.

[a] There is a very particular account of this insurrection, written and published by their chief leader, Cavalier. He was a baker, and afterwards came into England, and had a regiment, as I think; and when I knew him, he was a brigadier, and died a major general, and lieutenant governor of Jersey or Guernsey. He was of a very mean appearance, but had shewn a most intrepid spirit on this occasion. I never heard of any very extraordinary thing done by him afterwards. He seemed to be modest and humble in his common deportment. The account is in English, and worth reading for the matter of it. O. (He afterwards behaved very bravely at the battle of Almanza. Oldmixon says, "Of the Dutch, the regiments "of Welderen and Cavalier "suffered most. Colonel Ca- "valier himself gave repeated "proofs of that courage, by "which he had before acquired "great reputation in the Ce- "vennes. He received several "wounds, and having lain some

1704. Affairs of Hungary.

The disorders in Hungary had a deeper root and a greater strength; it was hoped, that the ruin of the elector of Bavaria would have quite disheartened them, and have disposed them to accept of reasonable terms; if the emperor could have been prevailed on to offer them frankly, and immediately upon their first consternation, after the conquest of Bavaria. There were great errors in the government of that kingdom: by a long course of oppression and injustice, the Hungarians were grown savage and intractable; they saw they were both hated and despised by the Germans; the court of Vienna seemed to consider them as so many enemies, who were to be depressed in order to their being extirpated: upon any pretence of plots, their persons were seized on, and their estates confiscated: the Jesuits were believed to have a great share in all those contrivances and prosecutions; and it was said, that they purchased the confiscated estates upon very easy terms; the nobility of Hungary seemed irreconcileable to the court of Vienna: on the other hand, those of that court who had these confiscations assigned them, and knew that the restoring these would certainly be insisted on as a necessary article in any treaty that might follow, did all they could to obstruct such a treaty. It was visible that Ragotski, who was at their head, aimed at the principality of Transylvania: and it was natural for the Hungarians to look on his arriving at that dignity, by which he could protect and assist them, as the best security they could have. On the

" time among the slain, made " his escape by the favour of a " horse given him by an English officer." Oldmixon's *History of these Reigns*, p. 391.)

other hand, the court of Vienna being possessed of 1704.
that principality, would not easily part with it. In the midst of all this fermentation, a revolution happened in the Turkish empire: a new sultan was set up. So all things were at a stand, till it might be known what was to be expected from him. They were soon delivered from this anxiety; for he sent a chiaus to the court of Vienna, to assure them that he was resolved to maintain the peace in all points; and that he would give no assistance to the malecontents. The court of Vienna being freed from those apprehensions, resolved to carry on the war in Hungary as vigorously as they could: this was imputed to a secret practice from France on some of that court, and there were so many there concerned in the confiscations, that every proposition that way was powerfully supported: thus Italy was neglected, and the siege of Landaw was ill supported; their chief strength being employed in Hungary. Yet when the ministers of the allies pressed the opening a treaty with the malecontents, the emperor seemed willing to refer the arbitration of that matter to his allies: but though it was fit to speak in that style, 394
yet no such thing was designed. A treaty was opened, but when it was known that Zeiher had the chief management of it, there was no reason to expect any good effect of it: he was born a protestant, a subject of the palatinate, and was oft employed by the elector Charles Lewis, to negotiate affairs at the court of Vienna; he, seeing a prospect of rising in that court, changed his religion, and became a creature of the Jesuits; and adhered steadily to all their interests. He managed that secret practice with the French in the treaty of Ryswick, by which

1704. the protestants of the palatinate suffered so considerable a prejudice. The treaty in Hungary stuck at the preliminaries; for indeed neither side was then inclined to treat; the malecontents were supported from France; they were routed in several engagements, but these were not so considerable as the court of Vienna gave out in their public news; the malecontents suffered much in them, but came soon together again, and they subsisted so well, what by the mines, of which they had possessed themselves, what by the incursions they made, and the contributions they raised from the emperor's subjects, that unless the war were carried on more vigorously, or a peace were offered more sincerely, that kingdom was long like to be a scene of blood and rapine.

The affairs of Poland.

So was its neighbouring kingdom of Poland: it was hoped, that the talk of a new election was only a loud threatening, to force a peace the sooner; but it proved otherwise: a diet was brought together of those who were irreconcileable to king Augustus, and after many delays, Stanislaus, one of the palatines, was chosen and proclaimed their king; and he was presently owned by the king of Sweden. The cardinal seemed at first unwilling to agree to this, but he suffered himself to be forced to it; this was believed to be only an artifice of his, to excuse himself to the court of France, whose pensioner he was, and to whom he had engaged to carry the election for the prince of Conti. The war went on this year with various success on both sides; king Augustus made a quick march to Warsaw, where he surprised some of Stanislaus's party, he himself escaping narrowly; but the king of Sweden fol-

lowed so close, that, not being able to fight him, he was forced to retreat into Saxony, where he continued for some months: there he ruined his own dominions, by the great preparations he made to return with a mighty force; the delay of that made many forsake his party; for it was given out, that he would return no more, and that he was weary of the war, and he had good reason so to be. Poland, in the mean while, was in a most miserable condition; the king of Sweden subsisted his army in it, and his temper grew daily more fierce and Gothic; he was resolved to make no peace, till Augustus was driven out: in the mean while his own country suffered much; Livonia was destroyed by the Muscovites; they had taken Narva, and made some progresses into Sweden. The pope espoused the interests of king Augustus; for to support a new convert of such importance, was thought a point worthy the zeal of that see; so he cited the cardinal to appear at Rome, and to give an account of the share he had in all that war. 1704. 395

The pope was now wholly in the French interest, and maintained the character they pretend to, of a common father, with so much partiality, that the emperor himself, how tame and submissive soever to all the impositions of that see, yet could not bear it; but made loud complaints of it. The pope had threatened, that he would thunder out excommunications against all those troops that should continue in his dominions: the emperor was so explicit in his faith, and so ready in his obedience, that he ordered his troops to retire out of the ecclesiastical state; but all the effect that this had, was to leave that state entirely in the hands of the French, against

The pope wholly in the French interest.

1704. whom the pope did not think fit to fulminate; yet the pope still pretended that he would maintain a neutrality, and both the Venetians and the great duke adhered to him in that resolution, and continued neutral during the war.

The affairs of Scotland.

Having now given a view of the state of affairs abroad, I return back to prosecute the relation of those at home, and begin with Scotland. A session of parliament was held there this summer: the duke of Queensbury's management of the plot was so liable to exception, that it was not thought fit to employ him, and it seems he had likewise brought himself under the queen's displeasure; for it was proposed by some of his friends in the house of lords, to desire the queen to communicate to them a letter which he had wrote to her of such a date: this looked like an examination of the queen herself, to whom it ought to have been left, to send what letters she thought fit to the house, and they ought not to call for any one in particular. The matter of that letter made him liable to a very severe censure in Scotland: for in plain words he charged the majority of the parliament, as determined in their proceedings by an influence from St. Germains: this exposed him in Scotland to the fury of a parliament; for how true soever this might be, by the laws of that kingdom such a representation of a parliament to the queen, especially in matters which could not be proved, was *leasing-making*, and was capital.

The chief design of the court in this session was to get the succession of the crown to be declared, and a supply to be given for the army, which was run into a great arrear. In the debates of the for-

mer session, those who opposed every thing, more particularly the declaring the succession, had insisted chiefly on motions to bring their own constitution to such a settlement, that they might suffer no prejudice by their king's living in England. Mr. Johnstoun was now taken in by the ministers into a new management: it was proposed by him, in concert with the marquis of Tweedale and some others in Scotland, that the queen should empower her commissioner to consent to a revival of the whole settlement, made by king Charles the first in the year 1641. 1704. 396

By that the king named a privy council and his ministers of state in parliament, who had a power to accept of, or to except to, the nomination, without being bound to give the reason for excepting to it: in the intervals of parliament, the king was to give all employments, with the consent of the privy council: this was the main point of that settlement, which was looked on by the wisest men of that time as a full security to all their laws and liberties: it did indeed divest the crown of a great part of the prerogative; and it brought the parliament into some equality with the crown.

The queen, upon the representation made to her by her ministers, offered this as a limitation on the successor, in case they would settle the succession, as England had done; and for doing this, the marquis of Tweedale was named her commissioner. The queen did also signify her pleasure very positively to all who were employed by her, that she expected they should concur in settling the succession, as they desired the continuance of her favour. Both the duke of Marlborough and the lord Godol-

1704. phin expressed themselves very fully and positively to the same purpose; yet it was dexterously surmised, and industriously set about by the Jacobites, and too easily believed by jealous and cautious people, that the court was not sincere in this matter: and that at best they were indifferent as to the success. Some went further, and said, that those who were in a particular confidence at court, did secretly oppose it, and entered into a management on design to obstruct it: I could never see any good ground for this suggestion; yet there was matter enough for jealousy to work on, and this was carefully improved by the Jacobites, in order to defeat the design. Mr. Johnstoun was made lord register, and was sent down to promote the design; the Jacobites were put in hopes, in case of a rupture, to have a considerable force sent to support them from Dunkirk.

A session of parliament being opened, and the speeches made, and the queen's letter read, all which tended to the settling the succession, that was the
397 first debate: a great party was now wrought on, when they understood the security that was to be offered to them: for the wisest patriots in that kingdom had always magnified that constitution, as the best contrived scheme that could be desired: so they went in with great zeal to the accepting of it. But those who, in the former session, had rejected all the motions of treating with England with some scorn, and had made this their constant topic, that they must in the first place secure their own constitution at home, and then they might trust the rest to time, and to such accidents as time might bring forth; now when they saw that every thing

that could be desired was offered with relation to their own government, they (being resolved to oppose any declaration of the succession, what terms soever might be granted to obtain it) turned the argument wholly another way, to shew the necessity of a previous treaty with England. They were upon that told, that the queen was ready to grant them every thing that was reasonable, with relation to their own constitution, yet without the concurrence of the parliament of England, she could grant nothing in which England was concerned; for they were for demanding a share of the plantation trade, and that their ships might be comprehended within the act of navigation. 1704.

Debates about the succession.

After a long debate, the main question was put, whether they should then enter upon the consideration of the limitations of the government, in order to the fixing the succession of the crown, or if that should be postponed till they had obtained such a security, by a treaty with England, as they should judge necessary. It was carried by a majority of forty, to begin with a treaty with England: of these, about thirty were in immediate dependence on the court, and were determined according to the directions given them. So, notwithstanding a long and idle speech of the earl of Cromarty's, which was printed, running into a distinction among divines, between the revealed and secret will of God, shewing, that no such distinction could be applied to the queen; she had but one will, and that was revealed; yet it was still suspected, that at least her ministers had a secret will in the case. They went no further in this vote for a treaty with England; for they could not agree among themselves who should be

The settling it put off for that session.

1704. the commissioners, and those who opposed the declaring the succession, were concerned for no more, when that question was once set aside: so it was postponed, as a matter about which they took no further care.

A money-bill with a tack to it.

They offered to the court six months cesse for the pay of the army; but they tacked to this a great part of a bill which passed the former session of par-
398 liament, but was refused by the throne: by that it was provided, that if the queen should die without issue, a parliament should presently meet, and they were to declare the successor to the crown, who should not be the same person that was possessed of the crown of England, unless before that time there should be a settlement made in parliament, of the rights and liberties of the nation, independent on English councils. By another clause in the act, it was made lawful to arm the subjects, and to train them, and put them in a posture of defence. This was chiefly pressed in behalf of the best affected in the kingdom, who were not armed; for the Highlanders, who were the worst affected, were well armed; so to balance that, it was moved, that leave should be given to arm the rest. All was carried with great heat and much vehemence; for a national humour, of being independent on England, fermented so strongly among all sorts of people without doors, that those who went not into every hot motion that was made, were looked on as the betrayers of their country: and they were so exposed to a popular fury, that some of those who studied to stop this tide, were thought to be in danger of their lives. The presbyterians were so overawed with this, that though they wished well to the settling

the succession, they durst not openly declare it. The dukes of Hamilton and Athol led all those violent motions, and the whole nation was strangely inflamed. 1704.

The ministers were put to a great difficulty with the supply bill, and the tack that was joined to it: if it was denied, the army could be no longer kept up: they had run so far in arrear, that considering the poverty of the country, that could not be carried on much longer. Some suggested, that it should be proposed to the English ministry, to advance the subsistence money, till better measures could be taken; but none of the Scotch ministry would consent to that. An army is reckoned to belong to those who pay it: so an army paid from England, would be called an English army: nor was it possible to manage such a thing secretly. It was well known that there was no money in the Scotch treasury to pay them, so if money were once brought into the treasury, how secretly soever, all men must conclude that it came from England: and men's minds were then so full of the conceit of independency, that if a suspicion arose of any such practice, probably it would have occasioned tumults: even the army was so kindled with this, that it was believed that neither officers nor soldiers would have taken their pay, if they had believed it came from England. It came then to this, that either the army must be disbanded, or the bill must pass: it is true, the army was a very small one, not above 3000; but it was so ordered, that it was double or treble of- 399
ficered; so that it could have been easily increased to a much greater number, if there had been occasion for it. The officers had served long, and were

1704. men of a good character: so, since they were alarmed with an invasion, which both sides looked for, and the intelligence which the court had from France assured them it was intended; they thought the inconveniences arising from the tack might be remedied afterwards: but the breaking of the army was such a pernicious thing, and might end so fatally, that it was not to be ventured on. Therefore by common consent a letter was wrote to the queen, which was signed by all the ministers there, in which they laid the whole matter before her, every thing was stated and balanced: all concluded in an humble advice to pass the bill. This was very heavy on the lord Godolphin, on whose advice the queen chiefly relied: he saw the ill consequences of breaking the army, and laying that kingdom open to an invasion, would fall on him, if he should, in contradiction to the advice given by the ministry of Scotland, have advised the queen to reject the bill. This was under consultation in the end of July, when our matters abroad were yet in a great uncertainty; for though the victory at Schellemberg was a good step, yet the great decision was not then come: so he thought, considering the state of affairs, and the accidents that might happen, that it was the safest thing for the queen to comply with the advices of those to whom she trusted the affairs of that kingdom.

The ministers there advise the queen to pass it.

The queen sent orders to pass the bill: it passed on the 6th of August, after the great battle was over, but several days before the news of it came to us. When the act passed, copies of it were sent to England; where it was soon printed, by those who were uneasy at the lord Godolphin's holding the

It was passed.

white staff, and resolved to make use of this against him: for the whole blame of passing it was cast on him. It was not possible to prove that he had advised the queen to it: so some took it by another handle, and resolved to urge it against him, that he had not persuaded the queen to reject it: though that seemed a great stretch, for he being a stranger to that kingdom, it might have been liable to more objection, if he had presumed to advise the queen to refuse a bill, passed in the parliament of Scotland, which all the ministry there advised her to pass. 1704.

Severe censures passed on this. It was said, that the two kingdoms were now divided by law, and that the Scotch were putting themselves in a posture to defend it; and all saw by whose advices this was done. One thing, that contributed to keep up an ill humour in the parliament of Scotland, was more justly imputed to him: the queen had promised to send down to them all the examinations relating to the plot: if these had been sent down, probably in the first heat the matter might have been carried far against the duke of Queensbury. But he, who stayed all the while at London, got it to be represented to the queen, that the sending down these examinations, with the persons concerned in them, would run the session into so much heat, and into such a length, that it would divert them quite from considering the succession, and it might produce a tragical scene. Upon these suggestions, the queen altered her resolution of sending them down; though repeated applications were made to her, both by the parliament and by her ministers, to have them sent; yet no answer was made to these, nor was so much as an excuse made Censures passed upon it.

1704. for not sending them. The duke of Queensbury having gained this point, got all his friends to join with the party that opposed the new ministry: this both defeated all their projects, and softened the spirits of those who were so set against him, that in their first fury no stop could have been put to their proceedings: but now the party that had designed to ruin him, was so much wrought on by the assistance that his friends gave them in this session, that they resolved to preserve him.

This was the state of that nation, which was aggravated very odiously all England over: it was confidently, though, as was afterwards known, very falsely reported, that great quantities of arms were brought over and dispersed through the whole kingdom: and it being well known how poor the nation was at that time, it was said that those arms were paid for by other hands, in imitation of what it was believed cardinal Richelieu did in the year 1638. Another thing was given out very maliciously by the lord treasurer's enemies, that he had given directions underhand, to hinder the declaring the succession, and that the secret of this was trusted to Johnstoun, who they said talked openly one way, and acted secretly another; though I could never see a colour of truth in those reports. Great use was to be made of the affairs of Scotland; because there was no ground of complaint of any thing in the administration at home: all the duke of Marlborough's enemies saw his chief strength lay in the credit that the lord Godolphin was in at home, while he was so successful abroad: so it being impossible to attack him in such a course of glory, they laid their aims against the lord treasurer. The tories resolved to

attack him, and that disposed the whigs to preserve him; and this was so managed by them, that it gave a great turn to all our councils at home. 1704.

In the beginning of November, the session of parliament was opened: it might well be expected, that after such a summer the addresses of both houses would run in a very high strain: the house of commons in their address put the successes by sea and land on a level, and magnified both in the same expressions: but the house of lords in their address took no notice of Rook nor of the sea. The lower house of convocation were resolved to follow the example of the house of commons, and would have the sea and land both mentioned in the same terms; but the bishops would not vary from the pattern set them by the house of lords; so no address was made by the convocation. The commons agreed to every thing that the court proposed for supporting the war another year; this was carried through with great despatch and unanimity: so that the main business of the session was soon over; all the money-bills were prepared and carried on in the regular method without any obstruction: those who intended to embroil matters saw it was not advisable to act aboveboard, but to proceed more covertly. 401 A session of parliament in England.

The act against occasional conformity was again brought in, but moderated in several clauses: for those who pressed it were now resolved to bring the terms as low as was possible, in order once to carry a bill upon that head. The opposition in the house of commons made to it was become so considerable, (for the design was now more clearly discerned,) that it was carried in that house only by a majority of fifty. 1705. The occasional bill is again brought in, and endeavoured to be tacked to a money-bill.

1705. When the bill was to be committed, it was moved that it should be committed to the same committee which was preparing the bill for the land-tax: the design of this was, that the one should be tacked to the other, and then the lords would have been put upon a great difficulty. If they should untack the bill, and separate one from the other, then the house of commons would have insisted on a maxim, that was now settled among them as a fundamental principle never to be departed from, that the lords cannot alter a money-bill, but must either pass it or reject it, as it is sent to them: on the other hand, the lords could not agree to any such tack, without departing from that solemn resolution, which was in their books, signed by most of them, never to admit of a tack to a money-bill: if they yielded now, they taught the house of commons the way to impose any thing on them at their pleasure.

The party in the house of commons put their whole strength to the carrying this point: they went further in their design: that which was truly aimed at, by those in the secret, was to break the war, and
402 to force a peace: they knew a bill with this tack could not pass in the house of peers: some lords of their party told myself that they would never pass the bill with this tack, so by this means money would be stopped: this would put all matters in great confusion both at home and abroad; and dispose our allies, as despairing of any help from us, to accept of such terms as France would offer them: so here was an artful design formed to break, at least to shake, the whole alliance. The court was very apprehensive of this, and the lord Godolphin opposed it with much zeal: the party disowned the

design for some time, until they had brought up their whole strength, and thought they were sure of a majority. 1705.

The debate held long: those who opposed it said, this now aimed at was a change of the whole constitution; and was in effect turning it into a commonwealth: for it imported the denying, not only to the lords, but to the crown, the free use of their negative in the legislature; if this was once settled, then as often as the public occasions made a money-bill necessary, every thing that the majority in their house had a mind to would be tacked to it. It is true, some tacks had been made to money-bills in king Charles's time; but even these had still some relation to the money that was given: but here a bill, whose operation was only for one year, and which determined as soon as the four shillings in the pound was paid, was to have a perpetual law tacked to it, that must continue still in force after the greatest part of the act was expired and dead: to all this, in answer, some precedents were opposed, and the necessity of the bill for the preservation of the church was urged, which they saw was not like to pass, unless sent to the lords so accompanied; which some thought was very wittingly (wittily) pressed, by calling it a portion annexed to the church, as in a marriage; and they said they did not doubt but those of the court would bestir themselves to get it passed, when it was accompanied with two millions as its price.

Upon the division 134 were for the tack, and 250 were against it: so that design was lost by those who had built all their hopes upon it, and were now highly offended with some of their own party, The tack was rejected.

1705. who had by their opposition wrought themselves into good places, and forsook that interest to which they owed their advancement: these, to redeem themselves with their old friends, seemed still zealous for the bill, which after went on coldly and slowly in the house of commons, for they lost all hopes of carrying it in the house of lords, now that the mine they had laid was sprung [b].

Debates concerning Scotland.

While this was going on in the house of commons, the debate about the Scotch act was taken up with great heat in the house of lords: the ill effects that were like to follow upon it were opened, in very tragical strains: it was after much declaiming moved, that the lords might pass some votes upon it. The tories who pressed this, intended to add a severe vote against all those who had advised it; and it was visible at whom this was aimed. The whigs diverted this [c]: they said the putting a vote against

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[b] (This unwarrantable proposal of tacking one bill to another was opposed by an almost equal division of the tory party; near an hundred members, according to Oldmixon, on that side in politics, voting against it. See p. 1346 of his history. How uncandidly is the correctness of their conduct here treated!)

[c] This was the fatal period of lord Godolphin's life and reign. He had hitherto constantly played a double game, but had so far outshot himself in this act of security, (as it was called,) that he had no way of defending it, without exposing what he had ever had in his view, and used his utmost dexterity to conceal. When the debate began, he did not know which side would fall hardest upon him: lord Nottingham attacked him first: in answer, he talked nonsense very fast, which was not his usual way, either of matter or manner; but said much as to the necessity of passing the money-bill. Lord Halifax in a very insolent style desired to know what the value of that bill might be; the answer was, five and twenty thousand pounds: upon which he proceeded with great outrage, and said he would have been responsible himself, that the people of England should have given twice that sum to have had the bill rejected. During which, I saw lord Wharton discoursing very seriously with

an act passed in Scotland, looked like the claiming some superiority over them, which seemed very improper at that time, since that kingdom was possessed with a national jealousy on this head, that would be much increased by such a proceeding: more moderate methods were therefore proposed and agreed to, in order to the making up of a breach in this island, with which they seemed to be then threatened. So an act was brought in, empowering the queen to name commissioners to treat of a full union of both kingdoms, as soon as the parliament of Scotland should pass an act to the same purpose: but if no such union should be agreed on, or if the same succession to the crown, with that of England, should not be enacted by a day prefixed, then it was enacted that after that day no Scotchman, that was not resident in England or Ireland, or employed in the queen's service by sea or land, should be esteemed a natural-born subject of England: they added to this, a prohibition of the importation of Scotch 1705.

lord Godolphin, and from him went to lord Somers, and both afterwards to lord Halifax: upon which he spoke in much a lower strain, and the whigs, as the bishop says, diverted the whole debate; he having, as we afterwards understood, delivered himself entirely into their management, provided they brought him off. He made a poor figure for the rest of his time, being obliged to do every thing that every body knew was most against his inclinations. D. (Consult also Swift's tract, entitled, Public Spirit of the Whigs, p. 40; and his Examiner, N°. XIX. at the end, with Lockhart's Memoirs, p. 119, respecting the motives which induced lord Godolphin to bring about the union. On the contrary, by some he is supposed to have recommended sanctioning the act of security, in order to bring the English the more readily to consent to the union of the kingdoms, from their apprehension of the possible separation of the crowns. By others, however, the queen's assent to the act of security is regarded as a measure recommended by that minister for the purpose of setting aside the succession of the house of Hanover to the crown of Britain.)

1705. cattle, and the manufacture of Scotland: all this fell in the house of commons, when sent down to them, because of the money-penalties which were put in the several clauses of the bill. The commons were resolved to adhere to a notion, that had now taken such root among them, that it could not be shaken, that the lords could not put any such clause in a bill begun with them: this was wholly new; penalties upon transgressions could not be construed to be a giving of money: the lords were clearly in possession of proceeding thus; so that the calling it in question was an attempt on the share which the lords had in the legislature: the commons let this bill lie on the table, and began a new one to the same purpose; it passed: and the following Christmas was the day prefixed for the Scotch to enact the succession, or on failure thereof, then this act was to have its effect. A great coldness appeared in many of the commons, who used to be hot on less important occasions: they seemed not to desire that the Scotch should settle the succession: and it was visible that some of them hoped, that the lords would have used their bill, as they had used that sent down by the lords: many of them were less concerned in the fate of the bill, because it diverted the censure, which they had intended to fix on the lord treasurer. The lords were aware of this, and passed the bill.

404 Those who wished well to the union were afraid, that the prohibition, and the declaring the Scots aliens after the day prefixed, would be looked on as threatenings: and they saw cause to apprehend, that ill-tempered men in that kingdom would use this as a handle to divert that nation, which was al-

ready much soured, from hearkening to any motion that might tend to promote the union, or the declaring the succession. It was given out by these, that this was an indignity done their kingdom, and that they ought not so much as to treat with a nation that threatened them in such a manner. The marquis of Tweedale excused himself from serving longer; so the duke of Argyle, whose father was lately dead, was named to be sent down commissioner to hold a parliament in Scotland: he was then very young, and was very brave [d]. 1705.

This being despatched easier than was expected, the parliament went on to other business: complaints of an ill management both at the board of the prince's council and at sea rose very high. This house of commons, during the whole continuance of the parliament, never appointed a committee to look into those matters, which had been formerly a main part of their care: they saw things were ill conducted, but the chief managers of sea affairs were men of their party, and that atoned for all faults, and made them unwilling to find them out, or to censure them: the truth was, the prince was prevailed on to continue still in the admiralty, by those who sheltered themselves under his name; though this brought a great load on the government. The lords went on as they had done the former session, examining into all complaints: they named two committees; the one to examine the books of the admiralty, the other to consider the proceedings at sea: no progress was made in the first of these; for though

Complaints of the admiralty.

[d] He managed well for the court, and was from the beginning zealous for the union; indeed he secured in June an English dukedom. H.

1705. there was a great deal suggested in private, yet since this seemed to be complaining of the prince, none would appear directly against him; but the other afforded matter enough, both for inquiry and censure. The most important, and that which had the worst consequences, was, that though there were twenty-two ships appointed for cruising, yet they had followed that service so remissly, and the orders sent them were so languid, and so little urgent, that three diligent cruising ships could have performed all the services done by that numerous fleet. This was made out in a scheme, in which all the days of their being out at sea were reckoned up, which did not exceed what three cruisers might have performed. It did not appear whether this was only the effect of sloth or ignorance, or if there lay any designed treachery at bottom: it seemed very plain that there
405 was treachery somewhere, at least among the under-officers: for a French privateer being taken, they found among his papers instructions sent him by his owners, in which he was directed to lie in some stations, and to avoid others; and it happened that this agreed so exactly with the orders sent from the admiralty, that it seemed that could not be by chance, but that the directions were sent upon sight of the orders. The queen began this winter to come to the house of lords upon great occasions to hear their debates, which, as it was of good use for her better information, so it was very serviceable in bringing the house into better order. The first time she came was when the debate was taken up concerning the Scotch act: she knew the lord treasurer was aimed at by it, and she diverted the storm by her endeavours, as well as she restrained it by her presence.

She came likewise thither to hear the debates upon the bill against occasional conformity, which was sent up by the commons: if it had not been for the queen's being present, there would have been no long debate on that head, for it was scarce possible to say much that had not been formerly said; but to give the queen full information, since it was supposed that she had heard that matter only on one side, it was resolved to open the whole matter in her hearing. The topics most insisted on were, the quiet that we enjoyed by the toleration, on which head the severities of former reigns were laid open, both in their injustice, cruelty, and their being managed only to advance popery, and other bad designs: the peaceable behaviour of the dissenters, and the zeal they expressed for the queen and her government was also copiously set forth; while others shewed a malignity to it. That which was chiefly urged was, that every new law made in the matter, altered the state of things from what it was when the act for toleration first passed: this gave the dissenters an alarm; they might from thence justly conclude, that one step would be made after another, until the whole effect of that act should be overturned. It did not appear from the behaviour of any among them, that they were not contented with the toleration they enjoyed, or that they were carrying on designs against the church: in that case it might be reasonable to look for a further security, but nothing tending that way was so much as pretended: all went on jealousies and fears, the common topics of sedition. On the other hand, to support the bill, all stories were brought up to shew how restless and unquiet that sort of men had been in

1705.

The bill against occasional conformity debated and rejected by the lords.

1705. former times. When it came to the question, whether the bill should be read a second time or not, it went for the negative by a majority of twenty lords.

406 Another debate, that brought the queen to the house, was concerning Watson, late lord bishop of St. David's[e]: his business had been kept long on foot in the courts below, by all the methods of delay that lawyers could invent. After five years pleading, the concluding judgment was given in the exchequer, that he had no right to the temporalities of that bishopric; and that being affirmed in the exchequer-chamber, it was now, by a writ of error, brought before the lords, in the last resort. But as the house seemed now to be set, he had no mind to let it go to a final decision; so he delayed the assigning the errors of the judgment, until the days were lapsed in which, according to a standing order, errors ought to be assigned upon a writ of error: in default of which, the record was to be sent back. He suffered the time to lapse, though particular notice was ordered to be given him, on the last day in which, according to the standing order, he might have assigned his errors; and the house sat that day some hours on purpose waiting for it. Some weeks after that, when the session was so near an end that he thought his cause could not be heard during the session, and so must in course have been put off to another session, he petitioned for leave to assign his errors: this was one of the most solemn orders that related to the judicature of the lords, and had been the most constantly stood to; it was not therefore thought reasonable to break through it in favour of so bad a man, of whom they were all ashamed, if

Bishop Watson's practices.

[e] (See before, p. 226, &c. folio edit.)

parties could have any shame. He had affected, in every step he had made, to seek out all possible delays for keeping the see still void, which, by reason of a bad bishop and a long vacancy, was fallen into great disorder: yet after all this, he had still by law the benefit of a writ of error, which he might bring in any subsequent session of parliament. 1705.

Upon this, the queen resolved to fill that see; and she promoted to it the celebrated Dr. Bull, who had writ the learnedest treatise that this age had produced, of the doctrine of the primitive church concerning the Trinity: this had been so well received all Europe over, that in an assembly general of the clergy of France, the bishop of Meaux was desired to write over to a correspondent he had in London [f], that they had such a sense of the service he had done their common faith, that upon it they sent him their particular thanks: I read the letter, and so I can deliver it for a certain truth, how uncommon soever it may seem to be. The queen had a little before this promoted Dr. Beveridge to the see of St. Asaph, who had shewed himself very learned in the ecclesiastical knowledge. They were both pious and devout men, but were now declining [g]; both of them being old, and not like to hold out long. Some promotions in the church. 407

[f] The famous Mr. Nelson. H.

[g] (If old age is here intended to be objected to their appointment, how came it that Dr. Bull, who had long been distinguished by his great learning, was not preferred till he was noticed by the church of France, and then only promoted to the poor bishopric of St. David's? Beveridge, indeed, had formerly refused the see of one of the nonjuring bishops, who were deprived at the revolution. Archbishop Sharp, at this time, reminded the queen, that her father king James had in her hearing declared doctor Beveridge to be the most learned man we had in our church. See Life of Archbishop Sharp, lately published. Vol. II. p. 337.)

1705. Soon after this, the see of Lincoln became vacant by that bishop's death: Dr. Wake was after some time promoted to it: a man eminently learned, an excellent writer, a good preacher, and, which is above all, a man of an exemplary life.

Designs with relation to the electoress of Hanover.

A design was formed in this session of parliament, but there was not strength enough to carry it on at this time; the earl of Rochester gave a hint of it in the house of lords, by saying that he had a motion of great consequence to the security of the nation, which he would not make at this time, but would do it when next they should meet together. He said no more to the house, but in private discourse he owned it was for bringing over the electoress of Hanover to live in England: upon this I will digress a little, to open the design and the views which he and some others might have in this motion.

It seemed not natural to believe that a party, which had been all along backward at best, and cold in every step that was made in settling the succession in that family, should become all on the sudden such converts as to be zealous for it; so it was not an unreasonable jealousy to suspect, that somewhat lay hid under it: it was thought that they either knew, or did apprehend, that this would not be acceptable to the queen; and they, being highly displeased with the measures she took, went into this design both to vex her [h], and in hopes that

[h] The two parties were always upon the catch with each other: the whigs *in power* opposed it now with very good reason; when out of power, and the succession in danger, they were for it. To speak impartially, I do not wonder the queen was always averse to the measure. The rising sun is never an agreeable sight. H. (See also below, p.430, fol. ed.)

a faction might arise out of it, which might breed a distraction in our councils, and some of them might hope thereby to revive the prince of Wales's pretensions. They reckoned such a motion would be popular: and if either the court or the whigs, on whom the court was now beginning to look more favourably, should oppose it, this would cast a load on them as men, who, after all the zeal they had expressed for that succession, did now, upon the hopes of favour at court, throw it up: and those who had been hitherto considered as the enemies of that house, might hope by this motion to overcome all the prejudices that the nation had taken up against them; and they might create a merit to themselves in the minds of that family, by this early zeal, which they resolved now to express for it. 1705.

This was set on foot among all the party: but the more sincere among them could not be prevailed on to act so false a part, though they were told this was the likeliest way to advance the pretended prince of Wales's interests.

The house of commons committed to prison some of the men of Ailesbury.

I now come to give an account of the last business of this session, with which the parliament ended[i]; it was formerly told, what proceedings had been at law upon the election at Ailesbury; the judgment that the lords gave in that matter was executed, and upon that, five others of the inhabitants brought their actions against the constables upon the same grounds. The house of commons looked on this as a great contempt of their votes, and they voted this a breach of privilege, to which they added a new, and until then unheard of crime, that it was contrary to the declaration that they had 408

[i] See antea, 366, &c. O.

1705. made; upon that they sent their messenger for these five men, and committed them to Newgate, where they lay three months prisoners; they were all the while well supplied and much visited; so they lay without making any application to the house of commons: it was not thought advisable to move in such a matter, until all the money-bills were passed; then motions were made, in the interval between the terms, upon the statute for a habeas corpus; but the statute relating only to commitments by the royal authority, this did not lie within it.

When the term came, a motion was made in the queen's bench upon the common law, in behalf of the prisoners for a habeas corpus; the lawyers who moved it produced the commitment, in which their offence was set forth, that they had claimed the benefit of the law in opposition to a vote of the house of commons to the contrary; they said the subjects were governed by the laws, which they might, and were bound to know, and not by the votes of a house of parliament, which they were neither bound to know nor to obey: three of the judges were of opinion, that the court could take no cognizance of that matter; the chief-justice was of another mind; he thought a general warrant of commitment for breach of privilege was of the nature of an execution; and since the ground of the commitment was specified in the warrant, he thought it plainly appeared, that the prisoners had been guilty of no legal offence, and that therefore they ought to be discharged: he was but one against three, so the prisoners were remanded.

Upon that they moved for a writ of error, to

bring the matter before the lords; that was only to be come at by petitioning the queen to order it: the commons were alarmed at this, and made an address to the queen, setting forth, that they had passed all the money-bills, therefore they hoped her majesty would not grant this. Ten judges agreed, that in civil matters a petition for a writ of error was a petition of right, and not of grace; two of them only were of another mind; it was therefore thought a very strange thing, which might have most pernicious consequences, for a house of commons to desire the queen not to grant a petition of right, which was plainly a breach of law and of her coronation oath; they also took on them to affirm, 409 that the writ did not lie; though that was clearly the work of the judicature to declare, whether it lay or not, and that was unquestionably the right of the lords; they only could determine that; the supplying the public occasions was a strange consideration to be offered the queen, as an argument to persuade her to act against law: as if they had pretended that they had bribed her to infringe the law, and to deny justice: money given for public service was given to the country and to themselves, as properly as to the queen. 1705.

The queen answered their address, and in it said, that the stopping proceedings at law was a matter of such consequence, that she must consider well of it: this was thought so cold, that they returned her no thanks for it; though a well composed house of commons would certainly have thanked her for that tender regard to law and justice. The house of commons carried their anger farther; they ordered the prisoners to be taken out of Newgate, and to be

1705. kept by their sergeant; they also ordered the lawyers and the solicitors to be taken into custody, for appearing in behalf of the prisoners: these were such strange and unheard of proceedings, that by them the minds of all people were much alienated from the house of commons. But the prisoners were under such management, and so well supported, that they would not submit nor ask pardon of the house; it was generally believed, that they were supplied and managed by the lord Wharton[k]; they petitioned the house of lords for relief; and the lords resolved to proceed in the matter by sure and regular steps: they first came to some general resolutions; that neither house of parliament could assume or create any new privilege that they had not been formerly possessed of; that subjects claiming their rights in a course of law, against those who had no privilege, could not be a breach of privilege of either house; that the imprisoning the men of Ailesbury, for acting contrary to a declaration made by the house of commons, was against law; that the committing their friends and their counsel for assisting them, in order to the procuring their liberty in a legal way, was contrary to law; and that the writ of error could not be denied without breaking the Magna Charta and the laws of England. These resolutions were communicated to the house of commons at a conference.

They made a long answer to them: in it they set forth, that the right of determining elections was lodged only with them, and that therefore they only could judge who had a right to elect; they only were the judges of their own privileges, the lords

[k] See antea, p. 369. O.

could not intermeddle in it; they quoted very copiously the proceedings in the year 1675, upon an appeal brought against a member of their house; they said their prisoners ought only to apply themselves to them for their liberty; and that no motion had ever been made for a writ of error in such a case. Upon this second conference according to form, the matter was brought to a free conference, where the point was fully argued on both sides; the city and the body of the nation were on the lords' side in the matter. Upon this, the lords drew up a full representation of the whole thing, and laid it before the queen, with an earnest prayer to her majesty, to give order for the writ of error; this was thought so well drawn, that some preferred it to those of the former sessions; it contained a long and clear deduction of the whole affair, with great decency of style, but with many heavy reflections on the house of commons[1]. 1705. 410

[1] This representation was also drawn by the lord Somers. As to the principal point in this affair, the commons, in sole jurisdiction of determining the rights of electors, are as well as in that of elections. (sic.) See my printed copy of the debates upon it in the house of commons. All this happened in a turbulent time, and was carried on with great violence by the tories, which raised a prejudice to it in the whigs, heightened by the part the lords took in it, the majority of whom were then of that party, who were actuated in it by the lord Wharton for the sake of his interest and friends at Ailesbury, and supported by the aid and authority of the lord Somers, who had reason enough for resentment and anger towards the tories. But upon a calm consideration of the matter, the point seems to me to be clearly with the house of commons; and so it stands now fortified with some subsequent acts of the house of commons, with regard to the main objection made to their claim, as you may see in my printed copy of these debates. Holt does not seem a friend to parliamentary judicatories: he had high notions of justice, and the strictness of it, and thought it could not well be had, but in

1705. By this time the whole business of the session was brought to a conclusion; for the lords, who had

the precision of the common law courts. He had some reason for this, but he carried it too far. The lords have in general preserved a purity in their judicial acts beyond what could be expected from so large a body, and composed as they are of such various persons, in age and otherwise, with so few of the science of law among them. But what can I say for the judgments of the house of commons in their election causes? It is reported, that sir Edward Seymour, in his profane way of talking, said once in the house of commons, "If the Lord should be extreme to mark what was done "amiss by us in the matter of "elections here, Mr. Speaker, "the Lord have mercy upon "us all;" and so it has been more or less in every age since parties began among us. It soon worked itself into a police; but it is really come to be deemed by many a piece of virtue and honour to do injustice in these cases. "The right "is in the friend, and not in "the cause," is almost avowed, and he is laughed at by the leaders of parties who has scruples upon it; and yet we should not bear this a month in any other judicature in the kingdom in any other object of jurisdiction or——in this: but we do it ourselves, and that sanctifies it, and the guilt is lost in the number of the guilty, and the support of party without doors. It has ever been a burden upon my mind and heart, and I have never laboured more for any thing in my station, than to be some means of preventing it. It is the great disgrace of parliaments, is indeed a reproach to the nation, as we should think it, if it was said of any other; and I see and feel evils from it, which go very far beyond this they flow from. A habit of false determination, without shame in some things, will make men not ashamed to do it in any thing; and I wish this of elections has not had a deep effect upon other determinations in the same place, where there have been the like motions of party interest for them; and this, because the hearing of elections is always the first business in a new parliament; and young men more easily plunge into this corruption, because the heat of election contest in the country is still upon them, and when once in it, they seldom come out of it, but carry it to almost every thing. I speak what I have said from some experience, and have often wished that a new constitution was made, and tried for judging of controverted elections; I would not have it out of the house of commons; many strong objections are to that, which I think unanswerable; but I would have them tried by a small number of members, a committee of seven, nine, or eleven, to try three, four, or five of these causes as they are in course, and then a new committee of the like num-

the money-bills, would not pass them, until this was ended: they carried their representation to the 1705.

ber and choice for the like number of cases, and so on, more or less, according to the remaining petitions, and this to be done upon one or more fresh petitions as they shall come in the course of the parliament's continuance. This was so far practised some time in queen Elizabeth's reign, that particular committees of a few were appointed to hear particular elections, and their determinations were quick, and without any imputation of partiality. I would have these committees to sit in a morning, and their proceedings and decisions to be public, and in the face of the world, as other courts are holden. I am satisfied that this would go a great way at least to cure the evil. A small number of men have always a greater regard to their characters than large bodies of men, because they are more likely to be stigmatized for doing wrong, especially if their actings are open, and the distinct opinion of every man is known to the world; and when the first judgment is acknowledged to be well made, and so stated to the house, it will then be difficult even for so large a number to vary from it, as the means of an iniquitous decision chiefly lie in the trial, and not in the report of it. Thus the house of commons may recover the virtue of their judicature, which may, nay must have an effect upon the impurity of elections themselves, which is chiefly encouraged by the hopes of impunity above, from the supposed prevalence of their party there, and this is now gotten to so infamous a height in boroughs, (most of them, I fear,) that, being joined with perjury in many of them, this corrupt taking and the corrupt giving, and the sort of men chosen by it, and the irreverence it draws towards parliaments themselves, and the discredit it gives to the government for the supposed encouragement of it, afford too much reason to fear, that all this, should it continue, (and it is continued,) with the boundless luxury of the times, will sooner or later be the cause of some revolution fatal to the constitution and liberties of this country. How or what that may be, I don't pretend to judge. See antea, p. 367—369. See also antea, p. 162. O. (Coxe, in his *Memoirs of Sir Robert Walpole*, gives the following statement of the consequences attending the dispute between the two houses of parliament: "The final decision of this im- "portant controversy was sus- "pended by the perseverance "of the lords, who declared "that a writ of error was a "matter of right, not of grace; "by the steady determination "of the queen not to obstruct, "in favour of the house of "commons, the course of judi- "cial proceedings in the courts "of law, and by the manly "opposition of lord chief jus- "tice Holt. These contrary

1705. queen, who in answer to it told them, that she would have granted the writ of error, but she saw it was necessary to put a present conclusion to the session. This being reported to the house, was looked on by them as a clear decision in their favour; therefore they ordered their humble thanks to be immediately returned to her majesty for it: an hour after that, the queen came to the house of lords, and passed all the bills, and ended the session, with a speech full of thanks for the supplies so readily granted; she took notice with regret of the effects of the ill humour and animosity that had appeared; and spoke of the narrow escape we had made, which she hoped would teach all persons to avoid such dangerous experiments for the future: this was universally understood to be meant of the tack, as indeed it could be meant of nothing else.

The end of the parliament.

Thus this session, and with it this parliament, came to an end: it was no small blessing to the queen and to the nation, that they got well out of such hands: they had discovered, on many occa-

" pretensions produced a violent quarrel between the two houses, which was terminated by the dissolution of parliament. (See Journals of the Lords and Commons, Raymond's Reports, page 938. Proceedings in the great case of Ashby and White, and in the case of Aylsbury men, —Chandler.—Tindal.) Although the question was never revived, yet from this time the house of commons considered itself as the sole judge of the qualifications of electors, and of all other matters which related to the return of members. It was principally owing to these resolutions, that the decisions, in regard to controverted elections, were seldom regulated by the merits of the case, but became questions of personal or political expediency; nor was this abuse corrected, until the act, known by the name of Grenville's bill, referred to a committee chosen by ballot, and acting upon oath, the final decision of all controverted elections." Vol. I. P. 1. ch. 4. p. 20.)

sions, and very manifestly, what lay at bottom with most of them; but they had not skill enough to know how to manage their advantages, and to make use of their numbers; the constant successes, with which God had blessed the queen's reign, put it out of their power to compass that which was aimed at by them; the forcing a peace, and of consequence the delivering all up to France. Sir Christopher Musgrave, the wisest man of the party, died before the last session; and by their conduct after his death, it appeared that they wanted his direction; he had been at the head of the opposition that was made in the last reign from the beginning to the end; but he gave up many points of great importance in the critical minute, for which I had good reason to believe that he had 12,000 pounds from the late king, at different times[m]: at his death it appeared that he was much richer, than by any visible computation he could be valued at: which made some cast an imputation on his memory, as if he had received great sums even from France. 1705. 411

I shall conclude the relation of this parliament with an account of some things that were begun, but not perfected by them: there was a bill offered for the naturalization of some hundreds of Frenchmen, to which the commons added a clause, disabling the persons so naturalized, from voting in elections of parliament; the true reason of this was, because it was observed that the French among us gave in all elections their votes for those who were most zealous against France: and yet, with an apparent disingenuity, some gave it as a reason for such a clause, that they must be supposed so partial Bills that were not passed.

[m] (See before, notes at p. 109, folio edit.)

1705. to the interests of their own country, that it was not fit to give them any share in our government[n]. The lords looked on this as a new attempt, and the clause added was a plain contradiction to the body of the bill, which gave them all the rights of natural-born subjects; and this took from them the chief of them all, the choosing their representatives in parliament: they would not agree to it, and the commons resolved not to depart from it; so without coming to a free conference, the bill fell with the session.

Another bill was begun by the lords against the papists: it was occasioned by several complaints brought from many parts of the kingdom, chiefly from Cheshire, of the practices and insolence of those of that religion: so a bill was ordered to be brought in, with clauses in it, that would have made the act passed against them four years before prove effectual; which, for want of these, has hitherto been of no effect at all: this passed in the house of lords, and was sent to the commons. They had no mind to pass it; but to avoid the ill effects of their refusing such a bill, they added a clause to it, containing severe penalties on papists who should once take the oaths, and come into the communion of our church, if they should be guilty of any occasional conformity with popery afterwards: they fancied that this of occasional conformity was so odious to the lords, that every clause that condemned it would be rejected by them: but when they came to understand that the lords were resolved to agree to

[n] *Cole*, in a note, observes, that probably the true reason was, that being all Huguenots and Calvinists, they were likely to join, as was afterwards found to be the case, the dissenting interest against the church.

the clause, they would not put it to that hazard: so the bill lay on their table, and slept till the prorogation. 1705.

A general self-denying bill was offered in the house of commons, by those very men, who in the first session of parliament, when they hoped for places themselves, had opposed the motion of such a bill with great indignation: now the scene was a little altered, they saw they were not like to be favourites, so they pretended to be patriots. This looked so strangely in them, that it was rejected: but another bill of a more restrained nature passed, disabling some officers, particularly those that were concerned in the prize office, from serving in parliament: to this a general clause was added, that disabled all who held any office that had been created since the year 1684, or any office that should be created for the future, from sitting in parliament: this passed among them, and was sent to the lords; who did not think fit to agree to so general a clause, but consented to a particular disability, put on some offices by name: the commons did not agree to this alteration; they would have all or nothing: so the bill fell. 412

The conclusion of the parliament set the whole nation in a general ferment; both sides studied how to dispose people's minds in the new elections, with great industry and zeal: all people looked on the affairs of France as reduced to such a state, that the war could not run beyond the period of the next parliament: a well chosen one must prove a public blessing, not only to England, but to all Europe; as a bad one would be fatal to us at home, as well as to our allies abroad: the affairs of France were run

1705. very low: all methods of raising money were now exhausted, and could afford no great supplies: so, in imitation of our exchequer-bills, they began to give out mint-bills; but they could not create that confidence which is justly put in parliamentary credit. The French had hopes from their party here in England, and there was a disjointing in the several provinces of the United Netherlands: but as long as we were firm and united, we had a great influence on the States, at least to keep things entire during the war: so it was visible that a good election in England must give such a prospect for three years, as would have a great influence on all the affairs of Europe.

Proceedings in the convocation.

I must, before I end the relation of the parliament, say somewhat of the convocation that attended upon it, though it was then so little considered, that scarce any notice was taken of them, and they deserved that no mention should be made of them. The lower house continued to proceed with much indecent violence: they still held their intermediate sessions, and brought up injurious and reflecting addresses to the upper house, which gave a very large exercise to the patience and forbearance of the
413 archbishop and bishops; the archbishop, after he had borne long with their perverseness, and saw no good effect of it, proceeded to an ecclesiastical monition against their intermediate meetings: this put a stop to that, for they would not venture on the censures that must in course follow, if no regard was had to the monition. At the final prorogation, the archbishop dismissed them with a wise, well composed speech; he laid open to them their indecent behaviour, and the many wrong steps they had made; to this he

added a severe, but grave reprimand, with much good advice. The governing men among them were headstrong and factious, and designed to force themselves into preferments, by the noise they made, and by this ill humour that they endeavoured to spread among the clergy, who were generally soured, even with relation to the queen herself, beyond what could be imagined possible. 1705.

Now having given a full relation of our counsels and other affairs at home, I shall next consider the progress of those abroad. The first operation of the campaign was before Gibraltar: Lake was sailing from Lisbon thither, and as he went out he met Dilks, who was sent from England to increase his force; by this addition, he had a strong fleet of thirty men of war, so he held on his course with all expedition, hoping to find Pointy in the bay of Gibraltar; but a great storm had blown all but five ships up the Mediterranean. Pointy remained only with these, when he was surprised by Lake, who did quickly overpower him, and took three capital ships; the other two, that were the greatest of them, were run ashore, and burnt near Marbella. Lake sailed to the Levant, to see if he could overtake those ships that the wind had driven from the rest; but after a fruitless pursuit for some days, he returned back to Gibraltar: that garrison was now so well supplied, that the Spaniards lost all hopes of being able to take it; so they raised the siege, turning it into a very feeble blockade. This advantage came at the same time that Verue was lost, to balance that [o]. The siege of Gibraltar raised.

[o] (Situated on the Po between Turin and Cassal. The duke of Savoy was at last obliged to abandon it to the

1705. Now the campaign was to be opened, the duke of Marlborough designed that the Moselle should be the scene of action, and care had been taken to lay up magazines of all sorts in Triers: the States consented that he should carry the greatest part of their army to the Moselle, and resolved to lie on the defensive upon their own frontiers; for they reckoned that how strong soever the elector of Bavaria's army was at that time, yet whensoever France should be pressed with so great a force as they reckoned would be on the Moselle, he would be ordered to send such detachments thither, that his army would be quickly diminished, and so would not have the superior strength long. Prince Lewis of Baden seemed to like this scheme of the campaign so well, and had concurred so cordially in the concert of it during the winter, that no doubt was made of his being both able and willing to enter upon this new scene of the war: but as the duke of Marlborough was setting out, depending on his concurrence, he received an express from him, excusing himself both on his own want of health, and because the force he had about him was not considerable, nor was that which he expected like to come to him so soon as might be wished for. This could not stop the duke of Marlborough, who had set his heart on opening the campaign in those parts, and had great hopes of success: so he resolved to push the matter as far as he could. He went to the prince of Baden to concert matters with him; whose ill health seemed only to be a pretence: it was true, that the princes and circles of the empire had not sent in their quotas, but

The duke of Marlborough marched to Triers.

414

French after a long siege, but not till the town had been wholly ruined. See Boyer's Reign of Queen Anne, p. 158.)

it appeared that there was already strength enough, in conjunction with the army that the duke of Marlborough was to bring, to advance and open the campaign with great advantage, at least until detachments should come from other parts: the prince of Baden at last consented to this, and promised to follow with all the forces he could bring. 1705.

Expecting the prince of Baden.

The duke of Marlborough was so satisfied with these assurances, that he came back to his army, and quickened their march, so that he brought them to Triers; and he advanced eight leagues further, through so many defiles, that the French might easily have made his march both dangerous and difficult. He posted himself very near mareschal Villars's camp, not doubting but that the prince of Baden would quickly follow him: instead of that, he repeated his former excuse of want of health and force. That which gave the worst suspicions of him was, that it appeared plainly that the French knew what he intended to do, and their management shewed they depended on it; for they ordered no detachments to increase M. Villars's army: on the contrary, the elector of Bavaria, having the superior force, pressed the States on their frontier. Huy was besieged and taken, after it had, beyond all expectation, held out ten days: Liege was attacked next; the town was taken, but the citadel held out. Upon this, the States sent to the duke of Marlborough to march back with all possible haste; he had then eat up the forage round about him, and was out of all hope of the prince of Baden's coming to join him; so he saw the necessity of marching back, after he had lost some weeks in a fruitless attempt: he made such haste in his march, that he

1705. lost many of his men in the way, by fatigue and de-
415 sertion; the French gave him no trouble, neither while he lay so near their camp, nor when he drew off, to march away with so much haste. To com-
Who failed him. plete the ill conduct of the Germans, those who were left with the magazines at Triers, pretending danger, destroying them all, and abandoning Triers, retired back to the Rhine.

The prince of Baden's conduct through this whole matter was liable to great censure: the worst suspicion was, that he was corrupted by the French. Those who did not carry their censure so far, attributed his acting as he did to his pride, and thought he, envying the duke of Marlborough, and apprehending that the whole glory of the campaign would be ascribed to him, since he had the stronger army, chose rather to defeat the whole design, than see another carry away the chief honour of any successes that might have happened. The duke of Marlborough came back in good time to raise the siege of the citadel of Liege; and he retook Huy in three days: after that, in conjunction with the Dutch army, he advanced towards the French lines: he for some days amused them with feints; at last he made the attack, where he had designed it, and broke through the lines, and gave a great defeat to the body of the French that defended them, with the loss only of seven men on his side; and so without more opposition he came very near Louvain, the Dyle running between his camp and the town: a deluge of rain fell that night, and swelled the Dyle so, that it was not possible to pass it. This gave the French time to recover themselves out of the first consternation, that the advantages he had gained

The duke of Marlborough broke through the French lines.

put them in: after a few days, when the passing the Dyle was practicable, the duke of Marlborough gave orders for it: but the French were posted with so much advantage on the other side, that the Dutch generals persuaded the deputies of the States, that they must run a great risk, if they should venture to force the passage. The duke of Marlborough was not a little mortified with this, but he bore it calmly, and moved another way. After some few motions, another occasion was offered, which he intended to lay hold on: orders were given to force the passage; but a motion through a wood, that was thought necessary to support that, was not believed practicable: so the deputies of the States were again possessed with the danger of the attempt; and they thought their affairs were in so good a condition, that such a desperate undertaking as that seemed to be, was not to be ventured on. 1705. The Dutch would not venture a battle.

This was very uneasy to the duke, but he was forced to submit to it, though very unwillingly: all agreed that the enterprise was bold and doubtful; some thought it must have succeeded, though with some loss at first; and that if it had succeeded, it might have proved a decisive action; others indeed looked on it as too desperate. A great breach was like to arise upon this, both in the army and among the States at the Hague, and in the towns of Holland, in Amsterdam in particular; where the burghers came in a body to the stadthouse, complaining of the deputies, and that the duke of Marlborough had not fuller powers. 416

I can give no judgment in so nice a point, in which military men were of very different opinions, some justifying the duke of Marlborough, as much

1705. as others censured him: he shewed great temper on this occasion, and though it gave him a very sensible trouble, yet he set himself to calm all the heat that was raised upon it. The campaign in Flanders produced nothing after this but fruitless marches, while our troops were subsisted in the enemy's country, until the time came of going into winter quarters. Prince Lewis's backwardness, and the caution of the deputies of the States, made this campaign less glorious than was expected; for I never knew the duke of Marlborough go out so full of hopes as in the beginning of it: but things had not answered his expectation.

The emperor's death and character.

This summer the emperor Leopold died: he was the most knowing and the most virtuous prince of his communion; only he wanted the judgment that was necessary for conducting great affairs in such critical times: he was almost always betrayed, and yet he was so firm to those who had the address to insinuate themselves into his good opinion and confidence, that it was not possible to let him see those miscarriages that ruined his affairs so often, and brought them sometimes near the last extremities: of these every body else seemed more sensible than he himself. He was devout and strict in his religion, and was so implicit in his submission to those priests who had credit with him, the Jesuits in particular, that he owed all his troubles to their counsels. The persecution they began in Hungary raised one great war, which gave the Turks occasion to besiege Vienna, by which he was almost entirely swallowed up: this danger did not produce more caution; after the peace of Carlowitz, there was so much violence and oppression in the govern-

ment of Hungary, both of papists and protestants, that this raised a second war there, which, in conjunction with the revolt of the elector of Bavaria, brought him a second time very near utter ruin: yet he could never be prevailed on, either to punish or so much as to suspect those who had so fatally entangled his affairs; that without foreign aid nothing could have extricated them. He was naturally merciful to a fault, for even the punishment of criminals was uneasy to him: yet all the cruelty in the persecution of heretics seemed to raise no relentings in him. It could not but be observed by all protestants, how much the ill influence of the popish religion appeared in him, who was one of the mildest and most virtuous princes of the age, since cruelty in the matters of religion had a full course under him, though it was as contrary to his natural temper as it was to his interests, and proved oftener than once almost fatal to all his affairs. His son Joseph, elected king of the Romans, succeeded him both in his hereditary and elective dignities: it was given out that he would apply himself much to business, and would avoid those rocks on which his father had struck, and almost split; and correct those errors to which his father's easiness had exposed him: he promised to those ministers that the queen and the States had in his court, that he would offer all reasonable terms to the Hungarians: and he consented to their setting a treaty on foot, in which they were to be the mediators, and become the guarantees for the observance of such articles as should be agreed on; and he gave great hopes, that he would not continue in that subjection to the priests, to which his father had been captivated. 1705. 417

1705. He desired to confer with the duke of Marlborough, and to concert all affairs with him: the queen consented to this, and the duke went to Vienna, where he was treated with great freedom and confidence, and he had all assurances given him that could be given in words: he found that the emperor was highly dissatisfied with the prince of Baden, but he had such credit in the empire, especially with the circles of Suabia and Franconia, that it was necessary to bear with that which could not be helped. The duke of Marlborough returned through the hereditary dominions to Berlin, where he had learned so perfectly to accommodate himself to that king's temper, that he succeeded in every thing he proposed, and renewed all treaties for one year longer. He came from thence to the court of Hanover, and there he gave them full assurances of the queen's adhering firmly to their interests, in maintaining the succession to the crown in their family, with which the elector was fully satisfied: but it appeared that the electoress had a mind to be invited over to England. From thence he came back to Holland, and it was near the end of the year before he came over to England. Thus I have cast all that relates to him in one continued series, though it ran out into a course of many months.

Affairs in Germany.

The German army was not brought together before August: it was a very brave one, yet it did not much; the French gave way and retired before
418 them: Haguenaw and some other places were left by the French, and possessed by the imperialists: a blockade was laid to fort Lewis. But nothing was done by that noble army, equal either to their numbers and strength, or to the reputation that the prince

of Baden had formerly acquired. This was contrary to the general expectation; for it was thought, that being at the head of so great an army, he would have studied to have signalized himself, if it had been but to rival the glory that the duke of Marlborough and prince Eugene had acquired. 1705.

Prince Eugene had a hard time in Italy: he had a weak army, and it was both ill provided and ill paid; he was long shut up within the country of Bergamo; at last he broke through to Cusano; where there was a very hot action between him and the duke of Vendome; both sides pretended they had the victory, yet the duke of Vendome repassed the river, and the imperialists kept the field of battle. The French threatened Turin with a siege, but they began with Chivas, which held out some months, and was at last abandoned; the duke of Feuillade commanded the army near Turin, and seemed to dispose every thing in order to a siege; but the design was turned upon Nice, though late in the year: they made a brave resistance for many weeks; in December they were forced to capitulate, and the place was demolished by the French. And in Italy.

The firmness that the duke of Savoy expressed in all these losses was the wonder of all Europe; he had now but a small army of 8000 foot and 4000 horse, and had scarce territory enough to support these; he had no considerable places left him but Turin and Coni: but he seemed resolved to be driven out of all, rather than to abandon the alliance. His duchess, with all the clergy, and indeed all his subjects, prayed him to submit to the necessity of his affairs; nothing could shake him; he admitted none of his bishops nor clergy into his coun-

1705. cils, and, as his envoy the count Briançon told me, he had no certain father confessor, but sent sometimes to the Dominicans, and sometimes to the Franciscans for a priest, when he intended to go to confession.

Affairs in Spain.

I turn next to Spain, which was this year a scene of most important transactions: the first campaign in Portugal before the hot season produced nothing: the second campaign seemed to promise somewhat, but the conduct was so feeble, that though the earl of Galway did all that was possible to put things in a good posture, yet he saw a disposition in the ministers, and in their whole management, that made him often despair, and wish himself out of the service. Fagel, that commanded the Dutch forces,
419 acted in every thing in opposition to him, and it was visible that the ministers did secretly encourage that by which they excused themselves.

A fleet and army sent to Spain.

King Charles was so disgusted with these proceedings, that he was become quite weary of staying in Portugal: so when the fleet of the allies came to Lisbon with an army on board, of above 5000 men, commanded by the earl of Peterborough, he resolved to go aboard, and to try his fortune with them. The Almirante of Castile died about that time; some thought that was a great loss; though others did not set so high a value upon him, nor on any of the intrigues that were among the grandees at Madrid: they were indeed offended with several small matters in king Philip's conduct, and with the ascendant that the French had in all their councils; for they saw every thing was directed by orders sent from Versailles, and that their king was really but a viceroy: they were also highly provoked by some

innovations made in the ceremonial, which they valued above more important matters; many seemed disgusted at that conduct, and withdrew from the court. The marquis of Leganes was considered as most active in infusing jealousies and a dislike of the government into the other grandees, so he was seized on and sent prisoner to Navarre; the grandees, in all their conduct, shewed more of a haughty sullenness in maintaining their own privileges, than of a generous resolution to free their country from the slavery under which it was fallen; they seemed neither to have heads capable of laying any solid designs for shaking off the yoke, nor hearts brave enough to undertake it. 1705.

Our fleet sailed from Lisbon with king Charles; they stopped at Gibraltar, and carried along with them the prince of Hesse, who had been so long governor of Barcelona, that he knew both the tempers, and the strength, and importance of the place. The first design of this expedition was concerted with the duke of Savoy; and the forces they had on board, were either to join him, or to make an attempt on Naples or Sicily, as should be found most advisable: there were agents employed in different parts of Spain, to give an account of the disposition people were in, and of what seemed most practicable. A body of men rose in Catalonia about Vick: upon the knowledge king Charles had of this, and upon other advertisements that were sent to our court, of the dispositions of those of that principality, the orders which king Charles desired were sent, and brought by a runner, that was despatched from the queen to the fleet: so the fleet steered to the coast of Catalonia, to try what could be done there.

1705. The earl of Peterborough, who had set his heart on
420 Italy, and on prince Eugene, was not a little displeased with this, as appeared in a long letter from him, which the lord treasurer shewed me.

They landed near Barcelona.

They landed not far from Barcelona, and were joined with many Miquelets and others of the country; these were good at plundering, but could not submit to a regular discipline, nor were they willing to expose themselves to dangerous services. Barcelona had a garrison of 5000 men in it; these were commanded by officers who were entirely in the interests of king Philip; it seemed a very unreasonable thing to undertake the siege of such a place with so small a force; they could not depend on the raw and undisciplined multitudes that came in to join them, who, if things succeeded not in their hands, would soon abandon them, or perhaps study to merit a pardon, by cutting their throats. A council of war was called, to consult on what could be proposed and done; Stanhope, who was one of them, told me, that both English and Dutch were all of opinion, that the siege could not be undertaken with so small a force; those within being as strong as they were, nor did they see any thing else worth the attempting: they therefore thought that no time was to be lost, but that they were all to go again on board, and to consider what course was next to be taken, before the season were spent, when the fleet would be obliged to return back again, and if they could not fix themselves any where before that time, they must sail back with the fleet. The prince of Hesse only was of opinion, that they ought to sit down before Barcelona; he said, he had secret intelligence of the good affections of many in the

town, who were well known to him, and on whom he relied, and he undertook to answer for their success: this could not satisfy those who knew nothing of his secrets, and so could only judge of things by what appeared to them. 1705.

The debate lasted some hours: in conclusion, the king himself spoke near half an hour; he resumed the whole debate, he answered all the objections that were made against the siege; and treated every one of those who had made them, as he answered them, with particular civilities; he supported the truth of what the prince of Hesse had asserted, as being known to himself; he said, in the state in which his affairs then stood, nothing could be proposed that had not great difficulties in it; all was doubtful, and much must be put to hazard; but this seemed less dangerous than any other thing that was proposed: many of his subjects had come and declared for him, to the hazard of their lives; it became him therefore to let them see, that he would run the same hazard with them; he desired that they would stay so long with him, till such attempts should be made, that all the world might be convinced that nothing could be done, and he hoped that till that appeared, they would not leave him; he added, that if their orders did oblige them to leave him, yet he could not leave his own subjects: upon this they resolved to sit down before Barcelona. They were all amazed to see so young a prince, so little practised in business, argue in so nice a point with so much force, and conclude with such heroical resolutions. This proved happy in many respects; it came to be known afterwards, that the Catalans and Miquelets, who had joined

The king pressed the siege.

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1705. them, hearing that they were resolved to abandon them, and go back to their ships, had resolved, either out of resentment, or that they might merit their pardon, to murder as many of them as they could. When this small army sat down before Barcelona, they found they were too weak to besiege it; they could scarce mount their cannon: when they came to examine their stores, they found them very defective, and far short of the quantities that by their lists they expected to find; whether this flowed from treachery or carelessness, I will not determine; there is much of both in all our offices. It soon appeared that the intelligence was true, concerning the inclinations of those in the town; their affections were entire for king Charles: but they were overawed by the garrison, and by Velasco, who, as well as the duke of Popoli, who had the chief command, was devoted to the interests of king Philip. Deserters came daily from the town, and brought them intelligence: the most considerable thing was, that fort Montjuy was very ill guarded, it being thought above their strength to make an attempt on it; so it was concluded, that all the hopes of reducing Barcelona lay in the success of their design on that fort. Two bodies were ordered to march secretly that night, and to move towards the other side of Barcelona, that the true design might not be suspected, for all the hopes of success lay in the secrecy of the march. The first body consisted of 800, and both the prince of Hesse and the earl of Peterborough led them: the other body consisted of 600, who were to follow these at some distance; and were not to come above half way up the hill, till further order: Stanhope led this body, from whom I had

Fort Montjuy attacked.

this account. They drew up with them some small field-pieces and mortars; they had taken a great compass, and had marched all night, and were much fatigued by the time that they had gained the top of the hill; 300 of them, being commanded to another side of the fort, were separated from the rest, and mistaking their way, fell into the hands of a body of men, sent up from the town to reinforce the garrison in the fort; before they were separated, the whole body had attacked the outworks, and carried them; but while the prince of Hesse was leading on his men, he received a shot in his body, upon which he fell; yet he would not be carried off, but continued too long in the place giving orders, and died in a few hours, much and justly lamented. The governor of the fort, seeing a small body in possession of the outworks, resolved to sally out upon them, and drew up 400 men in order to it; these would soon have mastered a small and wearied body, disheartened by so great a loss; so that if he had followed his resolution, all was lost, for all that Stanhope could have done, was, to receive and bring off such as could get to him; but one of those newly taken, happening to cry out, *O poor prince of Hesse*, the governor hearing this, called for him, and examined him, and when he learned that both the prince of Hesse and the earl of Peterborough were with that body, he concluded that the whole army was certainly coming up after them; and reflecting on that, he thought it was not fit for him to expose his men, since he believed the body they were to attack would be soon much superior to him; so he resolved not to risk a sally, but to keep within, and maintain the fort against them. Thus the earl

1705.

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1705. of Peterborough continued quiet in the outworks, and being reinforced with more men, he attacked the fort, but with no great hopes of succeeding: he threw a few bombs into it; one of these fell happily into the magazine of powder, and blew it up: by this the governor and some of the best officers were killed, which struck the rest with such a consterna-
And taken. tion, that they delivered up the place. This success gave them great hopes, the town lying just under the hill which the fort stood on: upon this, the party in Barcelona, that was well affected to king Charles, began to take heart, and to shew themselves: and after a few days' siege, another happy bomb fell with so good an effect, that the garrison was forced to capitulate.

King Charles was received into Barcelona with great expressions of joy: in the first transport they seemed resolved to break through the articles granted to the garrison, and to make sacrifices of the chief
Barcelona capitulated. officers at least. Upon that, the earl of Peterborough, with Stanhope and other officers, rode about the streets to stop this fury, and to prevail with the people to maintain their articles religiously; and in doing this, Stanhope said to me, they ran a greater hazard, from the shooting and fire that was flying about in that disorder, than they had done during the whole siege: they at last quieted the people, and the articles of capitulation were punctually observed.

423 Upon this unexpected success, the whole principality of Catalonia declared for king Charles. I will not prosecute this relation so minutely in other parts of it, having set down so particularly that which I had from so good a hand, chiefly to set forth the signal steps of Providence that did appear in this matter.

Soon after, our fleet sailed back to England, and Stanhope was sent over in it, to give a full relation of this great transaction: by him king Charles wrote to the queen a long and clear account of all his affairs; full of great acknowledgments of her assistance, with a high commendation of all her subjects, more particularly of the earl of Peterborough. The queen was pleased to shew me the letter; it was all writ in his own hand, and the French of it was so little correct, that it was not like what a secretary would have drawn for him: so from that I concluded he penned it himself. The lord treasurer had likewise another long letter from him, which he shewed me: it was all in his own hand: one correction seemed to make it evident that he himself composed it. He wrote, towards the end of the letter, that he must depend on *his protection*: upon reflection, that word seemed not fit for him to use to a subject, so it was dashed out, but the letters were still plain, and instead of it *application* was writ over head. These letters gave a great idea of so young and unexperienced a prince, who was able to write with so much clearness, judgment, and force. By all that is reported of the prince of Lichtenstein, that king could not receive any great assistance from him: he was spoken of as a man of a low genius, who thought of nothing but the ways of enriching himself, even at the hazard of ruining his master's business. 1705. King Charles's letters.

Our affairs at sea were more prosperous this year than they had been formerly. In the beginning of the season our cruizers took so many of the French privateers, that we had some thousands of their seamen in our hands: we kept such a squadron before Affairs at sea.

1705. Brest, that the French fleet did not think fit to venture out, and their Toulon squadron had suffered so much in the action of the former years, that they either could not or would not venture out: by this means our navigation was safe, and our trade was prosperous.

The siege of Badajos raised.

The second campaign in Portugal ended worse than the first: Badajos was besieged, and the earl of Galway hoped he should have been quickly master of it; but his hopes were not well grounded, for the siege was raised. In one action the earl of Galway's arm was broke by a cannon ball: it was cut off, and for some days his life was in great danger; the miscarriage of the design heightening the fever
424 that followed his wound, by the vexation that it gave him. But now, upon the news from Catalonia, the councils of Portugal were quite changed; they had a better prospect than formerly of the reduction of Spain: the war was now divided, which lay wholly upon them before: and the French party in that court had no more the old pretence to excuse their councils by, which was, that it was not fit for them to engage themselves too deep in that war, nor to provoke the Spaniards too much, and so expose themselves to revenges, if the allies should despair and grow weary of the war, and recall their troops and fleets. But now that they saw the war carried on so far, in the remotest corner of Spain, which must give a great diversion to king Philip's forces, it seemed a much safer, as well as it was an easier thing, to carry on the war with more vigour for the future. Upon this, all possible assurances were given the earl of Galway, that things should be conducted hereafter fully to his content. So that by two of

The councils of Portugal.

his despatches, which the lord treasurer shewed me, it appeared that he was then fully convinced of the sincerity of their intentions, of which he was in great doubt, or rather despairing, formerly. 1705.

In Hungary, matters went on very doubtfully: Transylvania was almost entirely reduced; Ragotzi had great misfortunes there, as the court of Vienna published the progress of the new emperor's arms; but this was not to be much depended on: they could not conceal, on the other hand, the great ravages that the malecontents made in other places: so that Hungary continued to be a scene of confusion and plunder. Affairs in Hungary.

Poland was no better: king Augustus's party continued firm to him, though his long stay in Saxony gave credit to a report spread about, that he was resolved to abandon that kingdom, and to return to it no more: this summer passed over in motions and actions of no great consequence; what was gained in one place was lost in another. Stanislaus got himself to be crowned: the old cardinal, though summoned to Rome, would not go thither: he suffered himself to be forced to own Stanislaus, but died before his coronation, and that ceremony was performed by the bishop of Cujavia. The Muscovites made as great ravages in Lithuania as they had done formerly in Livonia. The king of Sweden was in perpetual motion: but though he endeavoured it much, he could not bring things to a decisive action. In the beginning of winter, king Augustus, with two persons only, broke through Poland in disguise, and got to the Muscovite army, which was put under his command. The campaign went on all the winter season, which, considering And in Poland.

1705. the extreme cold in those parts, was thought a
425 thing impracticable before. In the spring after, Reinschild, a Swedish general, fell upon the Saxon army, that was far superior to his in number: he had not above 10,000 men, and the Saxons were about 18,000: he gave them a total defeat, killed about 7000, and took 8000 prisoners, and their camp, baggage, and artillery. Numbers upon such occasions are often swelled, but it is certain this was an entire victory: the Swedes gave it out, that they had not lost a thousand men in the action; and yet even this great advantage was not like to put an end to the war, nor to the distractions into which that miserable kingdom was cast. In it the world saw the mischiefs of an elective government, especially when the electors have lost their virtue, and set themselves to sale. The king of Sweden continued in an obstinate aversion to all terms of peace: his temper, his courage, and his military conduct were much commended; only all said he grew too savage, and was so positive and peremptory in his resolutions, that no applications could soften him: he would scarce admit them to be made: he was said to be devout almost to enthusiasm, and he was severely engaged in the Lutheran rigidity, almost equally against papists and Calvinists; only his education was so much neglected, that he had not an equal measure of knowledge to direct his zeal.

This is such a general view of the state of Europe this summer, as may serve to shew how things went on in every part of it. I now return to England.

A parliament chosen in England.

The election of the members of the house of commons was managed with zeal and industry on both sides: the clergy took great pains to infuse into all

people tragical apprehensions of the danger the church 1705.
was in: the universities were inflamed with this, and they took all means to spread it over the nation with much vehemence. The danger the church of England was in, grew to be as the word given in an army; men were known as they answered it: none carried this higher than the Jacobites, though they had made a schism in the church: at last, even the papists, both at home and abroad, seemed to be disturbed, with the fears that the danger our church was in put them under; and this was supported by the Paris gazette, though the party seemed concerned and ashamed of that. Books were writ and dispersed over the nation with great industry, to possess all people with the apprehensions that the church was to be given up, that the bishops were betraying it, and that the court would sell it to the dissenters. They also hoped, that this campaign, proving less prosperous than had been expected, might put the nation into ill humour, which might furnish them with some advantages. In opposition 426
to all this, the court acted with such caution and coldness, that the whigs had very little strength given them by the ministers in managing elections: they seemed rather to look on as indifferent spectators, but the whigs exerted themselves with great activity and zeal. The dissenters, who had been formerly much divided, were now united entirely in the interests of the government, and joined with the whigs every where.

When the elections were all over, the court took more heart: for it appeared, that they were sure of a great majority, and the lord Godolphin declared himself more openly than he had done formerly, in

1705. favour of the whigs: the first instance given of this was the dismissing of Wright, who had continued so long lord-keeper, that he was fallen under a high degree of contempt with all sides; even the tories, though he was wholly theirs, despising him: he was sordidly covetous, and did not at all live suitably to that high post: he became extreme rich, yet I never heard him charged with bribery in his court, but there was a foul rumour, with relation to the livings of the crown, that were given by the great seal, as if they were set to sale, by the officers under him [o].

Cowper, lord-keeper. The seals being sent for, they were given to Cowper, a gentleman of a good family, of excellent parts, and of an engaging deportment, very eminent in his profession; and who had for many years been considered as the man who spoke the best of any in the house of commons: he was a very acceptable man to the whig party: they had been much disgusted with the lord treasurer, for the coldness he expressed, as if he would have maintained a neutrality between the two parties; though the one supported him, while the other designed to ruin

[o] It was not confined to them. It has been said, he had 1000*l.* of baron Bury, for making him a judge, as appeared by Bury's book of accounts after his death. Wright had allowances out of the profits of all his officers, and alluding to which, when an officer under his successor had been guilty of some neglect of duty, and his lord in reprimanding him said, "Thou art a most unaccountable fellow," answered, "I may thank your good lordship for that; it is yourself has made me so." The greatest performance of Wright's, that I have heard of, was his management as a counsel of sir John Fenwick's bill in the house of lords. He was to support the bill, which he did so well, as to raise his character very much at that time. But it appeared the better, because it had been so very ill done by the counsel for the bill in the house of commons. O.

him: but this step went a great way towards the reconciling the whigs to him [P]. 1705.

A session of parliament met this summer in Scotland: there was a change made in the ministry

[P] The day after Cowper had the seal, I met lord Godolphin at St. James's; where in discourse I told him, that the world was in high expectations from the new keeper. He said he had the advantage to succeed a man that nobody esteemed; but the world would soon have other sentiments, for his chief perfection lay in being a good party man; and seemed desirous I should understand, that it had not been done with his approbation: which I did not doubt, knowing it was part of his penance for having passed the Scotch act of security, and that there were things of a harder digestion to follow. D. (See in Swift's *Memoirs of the Change in the Queen's Ministry*, a relation much to the honour of lord Cowper, by which he appears to have tried to dissuade the duke of Marlborough from the attempt to be general for life, and to have protested that he would never put the great seal to such a commission. Swift alludes also to this circumstance in his *Public Spirit of the Whigs*. The following reflections of the lord Cowper, on the great seal's being committed to his charge, evince the piety of this able and eloquent statesman. They were communicated by William Bragge, esq. of New College, Oxford, into whose possession they came, in consequence of his being executor to the will of his friend Charles Cowper, a descendant of judge Cowper, brother of the lord chancellor. Mr. Cowper died in the year 1819. Extract from lord chancellor Cowper's Minutes, relative to his holding the great seal, taken from his own handwriting. "During these great "honours done me, I often re- "flected on the uncertainty of "them, and even of life itself. "I searched my heart, and "found no pride or self-con- "ceit in it, and begged of God, "that he would preserve my "mind from relying on the "transient vanity of the world, "and teach me to depend only "upon his providence, that I "might not be lift up with the "present success, nor dejected "when the reverse should hap- "pen: that I might not be "confounded or dismayed by "the unusualness of my cir- "cumstances, and the like; "and I verily believe I was "helped by his holy Spirit, "from my sincere dependance "upon his good providence, "in this present undertaking. "Glory be to God, who has "sustained me in adversity, "and carried me through the "malice of my enemies; so as "that all designed for my hurt, "turned to my advantage and "credit.")

1705. there: those who were employed in the former session could not undertake to carry a majority: so all the duke of Queensbury's friends were again brought into employment. The duke of Argyle's instructions were, that he should endeavour to procure an act, settling the succession as it was in England, or to set on foot a treaty for the union of the two kingdoms: when he came to Scotland, and laid his instructions before the rest of the ministers there; the marquis of Anandale pressed, that they should first try that which was first named in the instructions, and he seemed confident, that, if all who were in employments would concur in it, they
427 should be able to carry it. Those of another mind, who were in their hearts for the pretended prince of Wales, put this by with great zeal: they said they must not begin with that, which would meet with great opposition, and be perhaps rejected: that would beget such an union of parties, that if they miscarried in the one, they would not be able to carry the other; therefore they thought, that the first proposition should be for the union: that was popular, and seemed to be a remote thing; so there would be no great opposition made to a general act about it. Those who intended still to oppose it, would reckon they would find matter enough in the particulars, to raise a great opposition, and so to defeat it. This course was agreed on, at which the marquis of Anandale was so highly offended, that he concurred no more in the councils of those who gave the other advice. Some did sincerely desire the union, as that which would render the whole island happy: others were in their hearts against it; they thought it was a plausible step, which they

An act for a treaty of union passed.

believed would run, by a long treaty, into a course of some years; that during that time, they would be continued in their employments, and they seemed to think it was impossible so to adjust all matters, as to frame such a treaty as would pass in the parliaments of both kingdoms. The Jacobites concurred all heartily in this: it kept the settling the succession at a distance, and very few looked on the motion for the union, as any thing but a pretence, to keep matters yet longer in suspense: so this being proposed in parliament, it was soon and readily agreed to, with little or no opposition. But that being over, complaints were made of the acts passed in the parliament of England: which carried such an appearance of threatening, that many thought it became them not to enter on a treaty, till these should be repealed. It was carried, but not without difficulty, that no clause relating to that should be in the act, that empowered the queen to name the commissioners; but that an address should be made to the queen, praying her that no proceedings should be made in the treaty, till the act that declared the Scotch aliens by such a day should be repealed: they also voted, that none of that nation should enter upon any such treaty, till that were first done. This was popular, and no opposition was made to it: but those who had ill intentions, hoped that all would be defeated by it. The session run out into a great length, and in the harvest-time, which put the country to a great charge. 1705.

In Ireland, the new heat among the protestants there, raised in the earl of Rochester's time, and connived at, if not encouraged, by the duke of Or- The state of Ireland.

1705. mond, went on still: a body of hot clergymen sent
428 from England, began to form meetings in Dublin, and to have emissaries and a correspondence over Ireland, on design to raise the same fury in the clergy of that kingdom against the dissenters, that they had raised here in England: whether this was only the effect of an unthinking and ill-governed heat among them, or if it was set on by foreign practices, was not yet visible. It did certainly serve their ends, so that it was not to be doubted, that they were not wanting in their endeavours to keep it up, and to promote it, whether they were the original contrivers of it or not; for indeed hot men, not practised in affairs, are apt enough, of their own accord, to run into wild and unreasonable extravagances.

A parliament in England.

The parliament of England met in the end of October: the first struggle was about the choice of a speaker, by which a judgment was to be made of the temper and inclinations of the members. The court declared for Mr. Smith: he was a man of clear parts and of a good expression: he was then in no employment, but he had gone through great posts in the former reign, with reputation and honour. He had been a commissioner of the treasury and chancellor of the exchequer: he had, from his first setting out into the world, been thoroughly in the principles and interests of the whigs, yet with a due temper in all personal things with relation to the tories: but they all declared against him for Mr. Bromley, a man of a grave deportment and good morals, but looked on as a violent tory, and as a great favourer of Jacobites; which appeared evi-

A speaker chosen.

dently in a relation he printed of his travels [q]. No matter of that sort had ever been carried with such a heat on both sides as this was: so that it was just to form a judgment upon it of the temper of the house; it went for Mr. Smith by a majority of four and forty. 1705.

The queen, after she had confirmed this choice, made a speech, in which she recommended union to them in a very particular manner: she complained of the reports that were spread by ill-designing men, of the danger the church was in, who, under these insinuations, covered that which they durst not own: she recommended the care of the public supplies to the commons, and spoke of the duke of Savoy in high and very obliging terms. This produced addresses from both houses, in which they expressed a detestation of those practices, of infusing into her

[q] (The title of the book is, *Remarks on the Grand Tour of France and Italy*. Lond. 1692. It was reprinted in the year 1705, for the purpose of annoying Mr. Bromley. According to Oldmixon, in his History of these Reigns, p. 345, Harley republished these travels, that he might lessen Bromley in the esteem of their own party, and distributed copies of them, until he had secured his election to the speakership. It was not on his own account, but to serve Mr. Smith; for he, and not Harley, was Bromley's competitor for the speakership. There is still existing the following note in Mr. Bromley's handwriting, inserted by him in a copy of the reprinted book, which came into Dr. Parr's possession. It begins thus: "This edition of "these Travels is a specimen "of the good-nature and good "manners of the whigs; and "I have reason to believe of "one in the ministry, very con- "versant in this sort of ca- "lumny, for the sake of pub- "lishing *the Table of the princi- "pal matters*," &c. Was Harley reckoned by Bromley amongst the whigs? He was certainly a member of the administration at this time. The remainder of the note, in which the writer complains of extreme violence used by the ministry and court to secure the election of his competitor, is to be seen in the printed Catalogue of Dr. Parr's Library, p. 702.)

1705. subjects groundless fears concerning the church: this went easily, for some kept out of the way, from whom it was expected, that they would afterwards open more copiously on the subject. The chairmen of the several committees of the house of commons, were men of whom the court was well assured.

429 The first matter with which they commonly begin, is to receive petitions against the members returned, so that gave a further discovery of the inclinations of the majority: the corruption of the nation was grown to such a height, and there was so much foul practice on all hands, that there was, no doubt, great cause of complaint. The first election that was judged was that of St. Alban's, where the duchess of Marlborough had a house: she recommended admiral Killigrew to those in the town; which was done all England over, by persons of quality who had any interest in the burghers: yet, though much foul practice was proved on the other hand, and there was not the least colour of evidence to fix any ill practice on her, some reflected very indecently upon her: Bromley compared her to Alice Piers, in king Edward the third's time, and said many other virulent things against her; for indeed she was looked upon by the whole party, as the person who had reconciled the whigs to the queen, from whom she was naturally very averse. Most of the controverted elections were carried in favour of the whigs: in some few they failed, more by reason of private animosities than by the strength of the other side. The house of commons came readily in to vote all the supplies that were asked, and went on to provide proper funds for them.

The most important debates that were in this

session began in the house of lords; the queen being present at them all. The lord Haversham opened the motions of the tory side: he arraigned the duke of Marlborough's conduct, both on the Moselle and in Brabant, and reflected severely on the Dutch, which he carried so far as to say, that the war cost them nothing: and after he had wandered long in a rambling discourse, he came at last to the point which was laid to be the debate of the day. He said we had declared a successor to the crown who was at a great distance from us, while the pretender was much nearer, and Scotland was armed and ready to receive him, and seemed resolved not to have the same successor for whom England had declared: these were threatening dangers that hung over us, and might be near us. He concluded, that he did not see how they could be prevented, and the nation made safe, by any other way, but by inviting the next successor to come and live among us. The duke of Buckingham, the earls of Rochester, Nottingham, and Anglesey, carried on the debate with great earnestness. It was urged, that they had sworn to maintain the succession, and by that they were bound to insist on this motion, since there was no means so sure to maintain it, as to have the successor upon the place, ready to assume and maintain his right. It appeared, through our whole history, that whosoever came first into England had always carried it: the pretending successor might be in England within three days, whereas it might be three weeks before the declared successor could come: from thence it was inferred, that the danger was apparent and dreadful, if the successor should not be brought over: if king Charles had been in Spain when the

1705.

Debates about the next successor.

1705. late king died, probably that would have prevented all this war in which we were now engaged. With these lords, by a strange reverse, all the tories joined; and by another, and as strange a reverse, all the whigs joined in opposing it. They thought this matter was to be left wholly to the queen; that it was neither proper nor safe, either for the crown or for the nation, that the heir should not be in an entire dependance on the queen; a rivalry between two courts might throw us into great distractions, and be attended with very ill consequences. The next successor had expressed a full satisfaction, and rested on the assurances the queen had given her, of her firm adherence to her title, and to the maintaining of it: the nation was prepared for it, by the orders the queen had given to name her in the daily prayers of the church: great endeavours had been used to bring the Scotch nation to declare the same successor. It was true, we still wanted one great security, we had not yet made any provision for carrying on the government, for maintaining the public quiet, for proclaiming and sending for the successor, and for keeping things in order till the successor should come: it seemed therefore necessary to make an effectual provision against the disorders that might happen in such an interval. This was proposed first by myself, and it was seconded by the lord Godolphin, and all the whigs went into it: and so the question was put upon the other motion, as first made, by a previous division, whether that should be put or not, and was carried in the negative by about three to one.

The queen heard the debate, and seemed amazed at the behaviour of some, who, when they had credit

with her, and apprehended that such a motion might 1705.
be made by the whigs, had possessed her with deep prejudices against it: for they made her apprehend, that when the next successor should be brought over, she herself would be so eclipsed by it, that she would be much in the successor's power, and reign only at her or his courtesy: yet these very persons, having now lost their interest in her, and their posts, were driving on that very motion, which they had made her apprehend was the most fatal thing that could befall [r]. This the duchess of Marlborough told me, but she named no person [s]: and upon it a very black suspicion was taken up by some, 431
that the proposers of this matter knew, or at least believed, that the queen would not agree to the motion, which way soever it might be brought to her, whether in an address or in a bill; and then they might reckon, that this would give such a jealousy, and create such a misunderstanding between her and the parliament, or rather the whole nation, as would unsettle her whole government, and put all things in disorder. But this was only a suspicion, and more cannot be made of it.

[r] (Scandalous and inconsistent conduct in the tories, who, exasperated by the loss of their places, made this step, knowing, as well as this bishop undoubtedly did, that a fatal wound would have been inflicted on the queen's authority by the measure.)

[s] This made an impression upon the queen to lord Nottingham that could never be overcome. I told her I heard he complained that people had done him ill offices to her; and particularly myself. She said, Sure he had forgot that he told her, whoever proposed bringing over her successor in her life-time, did it with a design to depose her, or he must think she had forgot that he was the first man that made the proposal, to imagine any body could do him worse offices than he had done himself. She said, indeed the duke of Leeds had told her the same thing, but remembered it better, or did not bear her so much ill-will. D.

1705. The lords were now engaged to go on in the debate for a regency: it was opened by the lord Wharton, in a manner that charmed the whole house[t]: he had not been present at the former debate, but he said he was much delighted with what he had heard concerning it; he said, he had ever looked on the securing a protestant succession to the crown as that which secured all our happiness: he had heard the queen recommend from the throne, union and agreement to all her subjects, with a great emotion in his own mind: it was now evident, there was a divinity about her when she spoke; the cause was certainly supernatural, for we saw the miracle that was wrought by it; now all were for the protestant succession; it had not been always so: he rejoiced in their conversion, and confessed it was a miracle: he would not, he could not, he ought not to suspect the sincerity of those who moved for inviting the next successor over; yet he could not hinder himself from remembering what had passed in a course of many years, and how men had argued, voted, and

A bill for a regency.

[t] This charming lord Wharton had the most provoking insolent manner of speaking that I ever observed in any man, without any regard to civility or truth; and in respect to his great sincerity and veracity, went amongst his own party by the name of honest Tom Wharton. I asked him once, after he had run on for a great while in the house of lords, upon a subject that both he and I knew to be false, how he could bring himself to do so: he answered me, "Why, are "you such a simpleton as not "to know, that a lie well believed is as good as if it were "true?" He and lord Halifax brought up a familiar style with them from the house of commons, that has been too much practised in the house of lords ever since, where every thing formerly was managed with great decency and good manners. D. (The speaker, in a note above, at page 369, and lord Dartmouth below, at page 435, have given some further account of this peer, who used to be called, as long as he continued to be talked of, an atheist grafted on a presbyterian.)

protested all that while: this confirmed his opinion that a miracle was now wrought; and that might oblige some to shew their change by an excess of zeal, which he could not but commend, though he did not fully agree to it. After this preamble, he opened the proposition for the regency, in all the branches of it: that regents should be empowered to act in the name of the successor, till he should send over orders: that besides those whom the parliament should name, the next successor should send over a nomination sealed up, and to be opened when that accident should happen, of persons who should act in the same capacity with those who should be named by parliament: so the motion being thus digested, was agreed to by all the whigs, and a bill was ordered to be brought in pursuant to these propositions[u]. But upon the debate on the heads of the bill, it did appear that the conversion, which the lord Wharton had so pleasantly magnified, was not so entire as he seemed to suppose: there was some cause given to doubt of the miracle; for when a security, that was real and visible, was thus offered, those who made the other motion, flew off from it. 1705.

[u] If my lord Somers did not first suggest the having such a law, the plan of it, I have been informed, was his, and that he drew the bill. I know he had a principal hand in conducting the passage of it; for he wrote to my uncle, sir Richard Onslow, to engage him to take the care of the bill in the house of commons, which he did. I have seen the letter, which does some honour to my uncle, and shewed a particular earnestness in my lord Somers for the design of the bill, so much, that I well remember I concluded, from the wording of the letter, that he was the author of the measure. O. This bill was drawn by lord Somers, and was one of his many great services. In truth, it was a real security to the Hanover succession, whereas the motion for bringing over the princess Sophia would have disobliged the queen, and only increased the factions within the country. H.

1705. They pretended, that it was because they could not
432 go off from their first motion; but they were told, that the immediate successor might indeed, during her life, continue in England, yet it was not to be supposed that her son the elector could be always absent from his own dominions, and throw off all care of them, and of the concerns of the empire, in which he bore so great a share. If he should go over for ever so short a time, the accident might happen, in which it was certainly necessary to provide such an expedient as was now offered. This laid them open to much censure, but men engaged in parties are not easily put out of countenance. It was resolved, that the regents should be seven, and no more; and they were fixed by the posts they were in: the archbishop of Canterbury, the lord keeper, the lord treasurer, lord president, lord privy seal, lord high admiral, and the lord chief justice, for the time being, were named for that high trust[x]. The tories struggled hard that the lord treasurer should not be one, only to shew their spite to the lord Godolphin, but the motion was rejected with scorn; for it seemed ridiculous, in a time when there might be much occasion for money, to exclude an officer from that high trust, who alone could furnish them with it, or direct them how to be furnished. The tories moved, that the lord mayor of London

[x] Lord Godolphin thought he had outwitted the whigs in this scheme: for except the archbishop, who was a very old man, and the chief justice, the rest were in the disposal of the crown during pleasure: and he had no imagination at that time, that he could ever lose the queen, and should, by nominating those officers, with the duke of Marlborough's assistance, have it in their power to make who they pleased her successor. But Providence interposed sometimes in their double dealings. D.

should be one, but that was likewise rejected: for the design of the act was, that the government should be carried on by those who should be at that time in the conduct and secret of affairs, and were persons nominated by the queen; whereas the lord mayor was chosen by the city, and had no practice in business. These regents were required to proclaim the next successor, and to give orders for the like proclamation over England and Ireland: the next successor might send a triplicate of the persons named by her or him; one of these was to be deposited with the archbishop of Canterbury, another with the lord keeper, and a third with his own minister residing at this court; upon the producing whereof, the persons nominated were to join with the regents, and to act in equality with them: the last parliament, even though dissolved, was to be presently brought together, and empowered to continue sitting for six months; and thus things were to be kept in order, till the successor should either come in person, or send over his orders. 1705.

Great opposition made to it.

The tories made some opposition to every branch of the act, but in that of the parliament's sitting, the opposition was more remarkable: the earl of Rochester moved, that the parliament and the regents should be limited, to pass no act of repeal of any part of the act of uniformity, and in his positive way said, if this was not agreed to, he should still think the church was in danger, notwithstanding what they had heard from the throne, in the beginning of the session. It was objected to this, that if the regal power was in the regents, and if the parliament was likewise a legal one, then by the constitution the whole legislature was in them, and

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1705. that could not be limited: for they could repeal any law that limited them; but the judges were of opinion, that the power of regents might be limited: so that, as the design of moving this might be, to have a new colour to possess the clergy, that there was a secret design against the church, which might break out at such a time, the lords gave way to it, though they thought it unreasonable, and proposed with no good design. The tories, upon the yielding this to them, proposed a great many more limitations, such as the restraining the regents from consenting to a repeal of the act for triennial parliaments, the acts for trials in cases of treason, and some others: and so extravagant were they, in their design of making the act appear ridiculous, that they proposed as a limitation, that they should not have power to repeal the acts of succession: all these were rejected with scorn and indignation; the lords seeing by this their error in yielding to that proposed by the earl of Rochester. The bill passed in the house of lords, but the tories protested against it.

I never knew any thing, in the management of the tories, by which they suffered more in their reputation, than by this: they hoped, that the motion for the invitation would have cleared them of all suspicions of inclinations towards the prince of Wales, and would have reconciled the body of the nation to them, and turned them against all who should oppose it: but the progress of the matter produced a contrary effect: the management was so ill disguised, that it was visible they intended only to provoke the queen by it, hoping that the provocation might go so far, that in the sequel all their

designs might be brought about, though by a method that seemed quite contrary to them, and destructive of them [y]. 1705.

A secret management in the house of commons.

The bill lay long in the house of commons, by a secret management, that was against it: the tories there likewise proposed, that the next successor should be brought over; which was opposed by the whigs, not by any vote against it, but by resolving to go through the lords' bill first: the secret management was from Hanover. Some indigent persons, and others employed by the tories, had studied to infuse jealousies of the queen and her ministers into the old electoress [z]. She was then seventy-five; but had still so much vivacity, that as she was the most knowing, and the most entertaining woman of the age, so she seemed willing to change her 434
scene, and to come and shine among us here in England; they prevailed with her to write a letter to the archbishop of Canterbury, intimating her readiness to come over, if the queen and parliament should desire it [a]: this was made public by the in-

[y] (All their designs in favour of the Pretender are here meant; but the author allows above, at p. 431, folio edit. that "this "was only suspicion, and more "could not be made of it.")

[z] Very likely by the earl of Rochester, who was always esteemed by the princess Sophia to be much in her interest for the succession. See antea, p. 270. She hoped to secure the tories to her, by his influence over them. O.

[a] See this Letter in the General Dictionary, &c. under the article of *Tenison*. O. (Also in a prolix Review of the Letter published by Gildon, one of Pope's heroes in the Dunciad, for which he was ordered to be prosecuted. To the account given above, at p. 271, folio edit. concerning her highness's letter to Mr. Stepney in favour of the son of king James, before the actual settlement of the crown on her own family, we have it in our power to add, that the princess had maintained a close correspondence with the exiled king, who was her first cousin. For it appears, that a collection of her letters marked in king William's handwriting, "Letters of the electress So-

1705. triguing persons in that court: and a colour was soon found, to keep some whigs from agreeing to the act. In the act that first settled the succession, one limitation (as was told in its proper place) had been, that when the crown should pass into that house, no man who had either place or pension should be capable of sitting in the house of commons: the clause in this bill, that empowered either the parliament, that should be current at the queen's death, or that which had sat last (though dissolved) to sit for six months, or till the successor should dissolve it, seemed contrary to this incapacitating clause, in the former act. Great exceptions were taken to this by some zealous whigs, who were so possessed with the notion of a self-denying bill, as necessary to preserve public liberty, from the practices of a designing court, that for some weeks there was cause to fear, not only the loss of the bill, but a breach among the whigs upon this head: much pains were taken, and with very good effect, to heal this: it was at last settled; a great many offices were enumerated, and it was declared that every man, who held any of these, was thereby incapacitated from sitting in the house of commons; and every member of the house, who did accept of any other office, was upon that excluded the house, and a new writ was to go out, to those whom he represented, to choose again; but it was left free to

" phia to the court of St. Ger- " mains," was found in a chest at Kensington palace by sir John Dalrymple, and afterwards presented by him to king George the third. See sir N. W. Wraxall's Memoirs, vol. I. p. 299—301. Had the princess herself made a present of these letters to king William, as a pledge of her change of sentiments; or rather, had they not been obtained through the agency of some unfaithful person in the court of St. Germains?)

them to choose him, or any other, as they pleased. 1705.
It was desired by those, who pressed this matter most, that it should take place only in the next reign: but to remove all jealousy, the ministers were content that these clauses should take place immediately upon the dissolution of the present parliament. And when the house of commons sent up these self-denying clauses to the lords, they added to them a repeal of that clause, in the first act of succession, by which the succeeding princes were limited to govern by the advice of their council, and by which all the privy-counsellors were to be obliged to sign their advices; which was impracticable, since it was visible that no man would be a privy-counsellor on those terms: the lords added the repeal of this clause, to the amendments sent up by the commons; and the commons readily agreed to it [b].

The act of the regency passed.

After this act had passed, the lord Halifax remembering what the earl of Rochester had said, concerning the danger the church might be in, moved

The dangers of the church inquired into.

[b] This law was enacted in the sixth year of the queen, and was thought necessary to be so, because of the union with Scotland, which had intervened. In the act which passed now, (the fourth of the queen,) the oath there prescribed had these words in it, "The *limitation* and succession "of the crown," but in that of the sixth of the queen the words "*limitation and*" were left out, which I have been well informed, was done at the desire of the Scotch members, who said the word *limitation* was misunderstood in Scotland, and apprehended there to relate to the form of government here, in which that of the church of England might be included, and if so, the presbyterians in Scotland could not take the oath. Upon this, as the words *limitation* and *succession* were universally understood with the English to be synonymous only, "*limitation and*" were very readily left out of the oath in compliance with this scruple, to the great quiet and joy of the whole presbyterian interest in Scotland. O.

1705. that a day might be appointed, to inquire into those dangers, about which so many tragical stories had
435 been published of late: a day was appointed for this, and we were all made believe, that we should hear many frightful things: but our expectations were not answered: some spoke of danger from the presbytery that was settled in Scotland: some spoke of the absence of the next successor: some reflected on the occasional bill, that was rejected in that house: some complained of the schools of the dissenters: and others reflected on the principles that many had drank in, that were different from those formerly received, and that seemed destructive of the church [c].

[c] This dispute rather than debate was brought on by lord Rochester's passion, without consulting any body, and as ill timed as it could well be, for we all knew the queen was little satisfied with the hands she was fallen into, and the whigs wanted nothing more than an opportunity to justify themselves in relation to the church. I happened to sit by lord Godolphin, when lord Rochester accepted lord Halifax's challenge, and said to him, (not thinking it would have gone further,) that I believed a scene between Hothead and Testimony would be very diverting. He was pleased with the conceit, and told it to all about him, knowing nothing damps a debate more than turning it into ridicule; and it had such an effect, that every body was ready to laugh, when either of them spoke. Lord Wharton, who never failed to insult, if he thought he had an advantage, desired lords would speak out what their real apprehensions were from. Were they from the queen? The duke of Leeds, who was highly provoked at such a question, answered him, No, but if deer-stealers were got into his park, he should think his deer in danger, though he had no suspicion of his keeper. Lord Wharton said, he wished his grace would name, who these rogues were that had got into the pale of the church. The duke said, If there were any that had pissed against a communion table, or done his other occasions in a pulpit, he should not think the church safe in such hands. Upon which lord Wharton was very silent for the rest of that day, and desired no further explanations. D. (Oldmixon, in his History of these Reigns, states, that the duke of Leeds, in his speech

In opposition to all this, it was said, that the church was safer now than ever it had been: at the revolution, provision was made, that our king must be of the reformed religion, nor was this all; in the late act of succession it was enacted, that he should be of the communion of the church of England: it was not reasonable to object to the house the rejecting a bill, which was done by the majority, of whom it became not the lesser number to complain: we had all our former laws left to us, not only entire, but fortified by late additions and explanations: so that we were safer in all these, than we had been at any time formerly: the dissenters gained no new strength, they were visibly decreasing: the toleration had softened their tempers, and they concurred zealously in serving all the ends of the government: nor was there any particular complaint brought against them: they seemed quiet and content with their toleration; if they could be but secure of enjoying it: the queen was taking the most effectual means possible, to deliver the clergy from the depressions of poverty, that brought them under much contempt, and denied them the necessary means and helps of study: the bishops looked after their dioceses with a care that had not been known in the memory of man: great sums were yearly raised, by their care and zeal, for serving the plantations better than had ever yet been done: a spirit of zeal and piety appeared in our churches, and at sacra- 1705.

on this occasion, after professing, that he could have no belief of the church's being safe without the enactment of the bill against occasional conformity, added, that the queen had in discourse with him declared herself to be of this opinion. See Oldmixon's Hist. p. 366.)

1705. ment, beyond the example of former times. In one respect it was acknowledged the church was in danger; there was an evil spirit and a virulent temper spread among the clergy; there were many indecent sermons preached on public occasions, and those hot clergymen, who were not the most regular in their lives, had raised factions in many dioceses against their bishops: these were dangers created by those very men, who filled the nation with this outcry against imaginary ones, while their own conduct produced real and threatening dangers. Many severe reflections were thrown out on both sides, in the progress of this debate. 436

A vote and an address to the queen about that.

It ended in a vote carried by a great majority: that the church of England, under the queen's happy administration, was in a safe and flourishing condition; and to this a severe censure was added, on the spreaders of these reports of dangers; that they were the enemies of the queen and of her government. They also resolved to make an address to the queen, in which, after this was set forth, they prayed her to order a prosecution, according to law, of all who should be found guilty of this offence: they sent this down to the house of commons, where the debate was brought over again, but it was run down with great force: the commons agreed with the lords, and both houses went together to the queen with this address. Such a concurrence of both houses had not been seen for some years: and indeed there was in both so great a majority for carrying on all the interests of the government, that the men of ill intentions had no hopes, during the whole session, of embroiling matters, but in the debates concerning the self-denying clause above-mentioned.

But though the main designs and hopes of the party had thus not only failed them, but turned against them; yet they resolved to make another attempt: it was on the duke of Marlborough, though they spoke of him with great respect. They complained of the errors committed this year in the conduct of the war: they indeed laid the blame of the miscarriage of the design on the Moselle on the prince of Baden, and the errors committed in Brabant on the States and their deputies; but they said they could not judge of these things, nor be able to lay before the queen those advices that might be fit for them to offer to her, unless they were made acquainted with the whole series of those affairs: therefore they proposed, that by an address they might pray the queen to communicate to them all that she knew concerning those transactions during the last campaign: for they reckoned, that if all particulars should be laid before them, they would find somewhat in the duke of Marlborough's conduct, on which a censure might be fixed. To this it was answered, that if any complaint was brought against any of the queen's subjects, it would be reasonable for them to inquire into it by all proper ways: but the house of lords could not pretend to examine or to censure the conduct of the queen's allies: they were not subject to them, nor could they be heard to justify themselves: and it was somewhat extraordinary, if they should pass a censure or make a complaint of them. It was one of the trusts that was lodged with the government, to manage all treaties and alliances: so that our commerce with our allies was wholly in the crown: allies might sometimes fail, being not able to per-

1706.

Complaints of the allies rejected.

437

1706. form what they undertook: they are subject both to errors and accidents, and are sometimes ill served: the entering into that matter was not at all proper for the house, unless it was intended to run into rash and indiscreet censures, on design to provoke the allies, and by that means to weaken, if not break the alliance: the queen would no doubt endeavour to redress whatsoever was amiss, and that must be trusted to her conduct.

So this attempt not only failed, but it happened upon this as upon other occasions, that it was turned against those who made it: an address was made to the queen, praying her to go on in her alliances, and in particular to cultivate a perfect union and correspondence with the States of the United Provinces: this had a very good effect in Holland, for the agents of France were, at the same time, both spreading reports among us, that the Dutch were inclined to a peace; and among them, that the English had very unkind thoughts of them: the design was, to alienate us from one another, that so both might be thereby the better disposed to hearken to a project of peace; which in the state in which matters were at that time, was the most destructive thing that could be thought on: and all motions that looked that way, gave very evident discoveries of the bad intentions of those who made them.

The acts against the Scots repealed.

The next business, of a public nature, that came before the parliament, was carried very unanimously: the queen laid before the two houses the addresses of the Scotch parliament, against any progress in the treaty of union, till the act, which declared them aliens by such a day, should be repealed: the tories, upon this occasion, to make

themselves popular, after they had failed in many attempts, resolved to promote this; apprehending that the whigs, who had first moved for that act, would be for maintaining their own work: but they seemed to be much surprised, when, after they had prefaced their motions in this matter, with such declarations of their intentions for the public good, that shewed they expected opposition and a debate, the whigs not only agreed to this, but carried the motion further, to the other act relating to their manufacture and trade. This passed very unanimously in both houses; and by this means way was made for opening a treaty, as soon as the session should come to an end. All the northern parts of England, which had been disturbed for some years, with apprehensions of a war with Scotland, that would certainly be mischievous to them, whatsoever the end of it might prove, were much delighted with the prospect of peace and union with their neighbours. 1706. 438

These were the most important debates during this session; at all which the queen was present: she staid all the while, and hearkened to every thing with great attention. The debates were managed on the one side by the lords Godolphin, Wharton, Somers, Halifax, Sunderland, and Townshend; on the other side by the duke of Buckingham, and the lords Rochester, Nottingham, Anglesey, Guernsey, and Haversham. There was so much strength and clearness on the one side, and so much heat and artifice on the other, that nothing but obstinate partiality could resist so evident a conviction.

The house of commons went on in creating funds for the supplies they had voted for the next year: The public credit very high.

1706. and the nation was so well satisfied with the government, and the conduct of affairs, that a fund being created for two millions and a half, by way of annuities for ninety-nine years, at six and a half per cent. at the end of which the capital was to sink; the whole sum was subscribed in a very few days: at the same time the duke of Marlborough proposed the advance of a sum of 500,000*l.* to the emperor, for the use of prince Eugene, and the service of Italy, upon a branch of the emperor's revenue in Silesia, at eight per cent. and the capital to be repaid in eight years: the nation did so abound, both in money and zeal, that this was likewise advanced in a very few days: our armies, as well as our allies, were every where punctually paid: the credit of the nation was never raised so high in any age, nor so sacredly maintained: the treasury was as exact and as regular in all payments as any private banker could be. It is true, a great deal of money went out of the kingdom in specie: that which maintained the war in Spain was to be sent thither in that manner, the way by bills of exchange not being yet opened: our trade with Spain and the West Indies, which formerly brought us great returns of money, was now stopped: by this means there grew to be a sensible want of money over the nation: this was in a great measure supplied by the currency of exchequer bills and bank notes: and this lay so obvious to the disaffected party, that they were often attempting to blast, at least to disparage this paper credit: but it was still kept up. It bred a just indignation in all who had a true love to their country, to see some using all possible methods to shake the administration, which, notwithstanding the difficulties at home and abroad,

was much the best that had been in the memory of man: and was certainly not only easy to the subjects in general, but gentle even towards those who were endeavouring to undermine it. 1706. 439

The lord Somers made a motion in the house of lords to correct some of the proceedings in the common law, and in chancery, that were both dilatory and very chargeable: he began the motion with some instances that were more conspicuous and gross; and he managed the matter so, that both the lord keeper and judges concurred with him; though it passes generally for a maxim, that judges ought rather to enlarge than contract their jurisdiction. A bill passed the house, that began a reformation of proceedings at law, which, as things now stand, are certainly among the greatest grievances of the nation: when this went through the house of commons, it was visible that the interest of under-officers, clerks, and attorneys, whose gains were to be lessened by this bill, was more considered than the interest of the nation itself: several clauses, how beneficial soever to the subject, which touched on their profit, were left out by the commons. But what fault soever the lords might have found with these alterations, yet, to avoid all disputes with the commons, they agreed to their amendments. A bill to regulate proceedings at law.

There was another general complaint made of the private acts of parliament, that passed through both houses too easily, and in so great a number, that it took up a great part of the session to examine them, even in that cursory way, that was subject to many inconveniences: the fees that were paid for these, to the speakers and clerks of both houses, inclined them

1706. to favour and promote them [d]: so the lord Somers proposed such a regulation in that matter, as will probably have a good effect for the future. The present lord keeper did indeed very generously obstruct those private bills, as much as his predecessor had promoted them: he did another thing of a great example; on the first day of the year it was become a custom for all those who practised in chancery, to offer a new-year's gift to the lord who had the great seal: these grew to be so considerable, that they amounted to 1500*l.* a year: on this new-year's day, which was his first, he signified to all who according to custom were expected to come with their presents, that he would receive none, but would break that custom. He thought it looked like the insinuating themselves into the favour of the court; and that if it was not bribery, yet it came too near it, and looked too like it: this contributed not a little to the raising his character: he managed the court of chancery with impartial justice and great despatch; and was very useful to the house of lords, in the promoting of business.

Complaints of the progress of popery.

440 When the session was near an end, great complaints were made in both houses of the progress of popery in Lancashire, and of many insolences committed there both by the laity and priests of that religion: upon this a bill was brought into the house of commons, with clauses that would have rendered the bill passed against papists in the end of the last reign, effectual: this alarmed all of that religion: so that they made very powerful, or (to follow the rail-

[d] I can very truly say that my constant practice has been the contrary. O.

lery of that time) very weighty intercessions with the considerable men of that house. The court looked on, and seemed indifferent in the matter; yet it was given out that so severe a law would be very unreasonable, when we were in alliance with so many princes of that religion, and that it must lessen the force of the queen's intercession, in favour of the protestants that lived in the dominions of those princes [e]: the proceeding seemed rigorous, and not suited to the gentleness that the Christian religion did so particularly recommend, and was contrary to the maxims of liberty of conscience and toleration that were then in great vogue. It was answered, that the dependance of those of that religion on a foreign jurisdiction, and at present on a foreign pretender to the crown, put them out of the case of other subjects, who might differ from the established religion; since there seemed to be good reason to consider them as enemies, rather than as subjects. But the application was made in so effectual a manner, that the bill was let fall: and though the lords had made some steps towards such a bill, yet since they saw what fate it was like to have in the house of commons, instead of proceeding farther in it, they dismissed that matter with an address to the queen, that she would give orders, both to the justices of peace, and to the clergy, that a return might be made to the next session of parliament, of all the papists in England [f]. 1706.

[e] (They are said to have interfered on this occasion.)

[f] Such factious and persecuting rumours and clamours were set about by the dissenters about 1760, &c. when they were so clamorous and noisy, that the bishops were ordered to send over their dioceses to inquire after their numbers and the truth of these reports: but the returns were

1706. There was another project set on foot at this time by the lord Halifax, for putting the records and the public offices of the kingdom in better order: he had, in a former session, moved the lords to send some of their number to view the records in the Tower, which were in great disorder, and in a visible decay for want of some more officers, and by the neglect of those we had. These lords in their report proposed some regulations for the future, which have been since followed so effectually, though at a considerable charge, by creating several new officers, that the nation will reap the benefit of all this very sensibly: but lord Halifax carried his project much further. The famous library, collected by sir Robert Cotton, and continued down in his family, was the greatest collection of manuscripts relating
441 to the public that perhaps any nation in Europe could shew: the late owner of it, sir John Cotton, had, by his will, left it to the public, but in such words, that it was rather shut up than made any way useful: and indeed it was to be so carefully preserved, that none could be the better for it: so that lord moved the house to entreat the queen, that she would be pleased to buy Cotton house, which stood just between the two houses of parliament[g]; so that some part of that ground would furnish them with many useful rooms, and there would be enough left for building a noble structure for a library[h]: to

A design for a public library.

so decisive in proving them groundless and false, that nothing further has been said about it. *Cole.*

[g] This matter is imperfectly represented here. Therefore see two acts of parliament relating to it, *viz.* the 12th and 13th of William III. chap. 7. and the 5th of Anne, chap. 30. See also the Journal of the House of Commons. O.

[h] This is now in effect accomplished, and indeed enlarged by the institution of the British Museum. For which see

which, besides the Cotton library and the queen's library, the royal society, who had a very good library at Gresham college, would remove and keep their assemblies there, as soon as it was made convenient for them. This was a great design, which the lord Halifax, who set it first on foot, seemed resolved to carry on till it were finished: it will set learning again on foot among us, and be a great honour to the queen's reign. 1706.

Thus this session of parliament came to a very happy conclusion: there was in it the best harmony within both houses, and between them, as well as with the crown, and it was the best applauded in the city of London, over the whole nation, and indeed over all Europe, of any session that I had ever seen: and when it was considered, that this was the first of the three, so that we were to have two other sessions of the same members, it gave an universal satisfaction, both to our own people at home, and our allies abroad, and afforded a prospect of a happy end that should be put to this devouring war, which in all probability must come to a period, before the conclusion of the present parliament. This gave an unspeakable satisfaction to all who loved their country and their religion, who now hoped that we had in view a good and a safe peace.

The convocation sat at the same time; it was chosen as the former had been, and the members that were ill affected were still prevailed on to come Proceedings in convocation.

the several parliamentary provisions that have been made for it. I had some share in this establishment, and I deem it one of the happinesses of my life. What relates to the royal society is not done, but it was part of my proposal, and also to take in the society of antiquarians; but difficulties arose, which prevented the doing either of the one or the other. O.

1706. up, and to continue in an expensive but useless attendance in town. The bishops drew up an address to the queen, in which, as the two houses of parliament had done, they expressed a just indignation at the jealousies that had been spread about the nation, of the danger of the church: when this was communicated to the lower house, they refused to join in it, but would give no reason for their refusal: they drew an address of their own, in which no notice was taken of these aspersions: the bishops, according to ancient precedents, required them either to agree to their address, or to offer their objections against it; they would do neither; so the address
442 was let fall: and upon that, a stop was put to all further communication between the two houses. The lower house, upon this, went on in their former practice of intermediate sessions, in which they began to enter upon business, to approve of some books, and to censure others; and they resolved to proceed upon the same grounds, that factious men among them had before set up, though the falsehood of their pretensions had been evidently made to appear. The archbishop had prorogued them to the first of March: when that day came, the lower house was surprised with a protestation that was brought to the upper house, by a great part of their body, who, being dissatisfied with the proceedings of the majority, and having long struggled against them, though in vain, at last drew up a protestation against them: they sent it up and down, through the whole province, that they might get as many hands to it as they could; but the matter was managed with such caution, that though it was in many hands, yet it was not known to the other side, till

they heard it was presented to the president of the upper house: in it, all the irregular motions of the lower house were reckoned up, insisting more particularly on that of holding intermediate sessions, against all which they protested, and prayed that their protestation might be entered in the books of the upper house, that so they might not be involved in the guilt of the rest: this was signed by above fifty, and the whole body was but an hundred and forty-five: some were neutral: so that hereby very near one half broke off from the rest, and left them, and sat no more with them. The lower house was deliberating how to vent their indignation against these, when a more sensible mortification followed: the archbishop sent for them, and when they came up, he read a letter to them, that was wrote to him by the queen, in which she took notice that the differences between the two houses were still kept up; she was much concerned to see that they were rather increased than abated: she was the more surprised at this, because it had been her constant care, as it should continue always to be, to preserve the constitution of the church, as it was by law established, and to discountenance all divisions and innovations whatsoever: she was resolved to maintain her supremacy, and the due subordination of presbyters to bishops, as fundamental parts of it: she expected, that the archbishop and bishops would act conformable to this resolution, and in so doing they should be sure of the continuance of her protection and favour, which should not be wanting to any of the clergy, as long as they were true to the constitution, and dutiful to her and their ecclesiastical superiors, and preserved such a temper, as be- 1706.

1706. came those who were in holy orders. The archbishop, as he was required to read this to them, so he was directed to prorogue them, for such a time as should appear convenient to him: they were struck with this, for it had been carried so secretly, that it was a surprise to them all. When they saw they were to be prorogued, they ran very indecently to the door, and with some difficulty were kept in the room, till the prorogation was intimated to them: they went next to their own house, where, though prorogued, they sat still in form, as if they had been a house, but they did not venture on passing any vote: so factious were they, and so implicitly led by those who had got an ascendant over them, that though they had formerly submitted the matters in debate to the queen, yet now, when she declared her pleasure, they would not acquiesce in it.

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Preparations for the campaign.

The session of parliament being now at an end, the preparations for the campaign were carried on with all possible despatch: that which was most pressing was first done. Upon Stanhope's first coming over, in the beginning of January, orders were immediately issued out for sending over 5000 men, with all necessary stores, to Spain: the orders were given in very pressing terms; yet so many offices were concerned in the execution, that many delays were made; some of these were much censured: at last they sailed in March. The fleet that had gone into the Mediterranean with king Charles, and was to return and winter at Lisbon, was detained by westerly winds longer in those seas than had been expected.

A revolt in Valencia.

The people of Valencia seemed to hope that they were to winter in those seas; and by this they were

encouraged to declare for king Charles: but they were much exposed to those who commanded in king Philip's name. All Catalonia had submitted to king Charles, except Roses; garrisons were put in Gironne, Lerida, and Tortosa: and the states of that principality prepared themselves, with great zeal and resolution, for the next campaign, which, they had reason to expect, would come both early and severely upon them. There was a breach between the earl of Peterborough and the prince of Lichtenstein, whom he charged very heavily, in the king's own presence, with corruption and injustice: the matter went far, and the king blamed the earl of Peterborough, who had not much of a forbearing or forgiving temper in him. There was no method of communication with England yet settled: we did not hear from them, nor they from us, in five months: this put them out of all hope: our men wanted every thing, and could be supplied there with nothing. The revolt in Valencia made it necessary to send such a supply to them from Barcelona as could be spared from thence: the disgust that was taken made it advisable to send the earl of Peterborough thither, and he willingly undertook the service: he marched towards that kingdom with about fifteen hundred English, and a thousand Spaniards: they were all ill equipped and ill furnished, without artillery, and with very little ammunition: but as they marched, all the country either came into them, or fled before them. He got to Valencia without any opposition, and was received there with all possible demonstrations of joy: this gave a great disturbance to the Spanish councils at Madrid: they advised the king to begin with the reduction of

1706.

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1706. Valencia: it lay nearer, and was easier come at: and by this the disposition to revolt would be checked, which might otherwise go further: but this was overruled from France, where little regard was had to the Spaniards: they resolved to begin with Barcelona: in it king Charles himself lay; and on taking it, they reckoned all the rest would fall.

The siege of Barcelona.

The French resolved to send every thing that was necessary for the siege by sea, and the count of Toulouse was ordered to lie with the fleet before the place, whilst it was besieged by land: it was concerted to begin the siege in March, for they knew that if they begun it so early, our fleet could not come in time to relieve it: but two great storms, that came soon one after another, did so scatter their tartanes, and disable their ships of war, that, as some were cast away, and others were much shattered, so they all lost a month's time, and the siege could not be formed before the beginning of April: king Charles shut himself up in Barcelona, by which the people were both animated and kept in order: this gave all the allies very sad apprehensions; they feared not only the loss of the place, but of his person. Leak sailed from Lisbon in the end of March: he missed the galleons very narrowly, but he could not pursue them; for he was to lose no time, but haste to Barcelona: his fleet was increased to thirty ships of the line by the time he got to Gibraltar; but though twenty more were following him, he would not stay, but hasted on to the relief of the place as fast as the wind served.

Alcantara taken.

At the same time the campaign was opened on the side of Portugal: the earl of Galway had full

powers, and a brave army of about 20,000 men, well furnished in all respects: he left Badajos behind him, and marched on to Alcantara. The duke of Berwick had a very small force left him, to defend that frontier: it seems the French trusted to the interest they had in the court of Portugal: his troops were so bad, that he saw in one small action, that he could not depend on them: he put a good garrison in Alcantara; where their best magazine was laid in. But when the earl of Galway came before the town, within three days, the garrison, consisting of 4000 men, delivered up the place and themselves as prisoners of war: the Portuguese would have stopped there, and thought they had made a good campaign, though they had done no more: but the English ambassador at Lisbon went to the king of Portugal, and pressed him, that orders might be immediately sent to the earl of Galway to march on: and when he saw great coldness in some of the ministers, he threatened a present rupture, if it was not done: and he continued waiting on the king, till the orders were signed, and sent away. Upon receipt of these, the earl of Galway advanced towards Placentia, all the country declaring for him, as soon as he appeared; and the duke of Berwick still retiring before him, not being able to give the least interruption to his march. 1706. 445

The campaign was opened in Italy with great advantage to the French: the duke of Vendome marched into the Brescian, to attack the imperialists, before prince Eugene could join them, who was now come very near: he fell on a body of about 12,000 of them, being double their number; he drove them from their posts, with the loss of about

The Germans are defeated in Italy.

1706. 3000 men killed and taken; but it was believed there were as many of the French killed as of the imperialists. Prince Eugene came up within two days, and put all in order again: he retired to a surer post, waiting till the troops from Germany should come up: the slowness of the Germans was always fatal in the beginning of the campaign: the duke of Savoy was now reduced to great extremities: he saw the siege of Turin was designed; he fortified so many outposts, and put so good a garrison in it, that he prepared well for a long siege and a great resistance: he wrote to the queen for a further supply of 50,000 pounds, assuring her, that by that means the place should be put in so good a state, that he would undertake that all should be done which could be expected from brave and resolute men: and so careful was the lord treasurer to encourage him, that the courier was sent back, the next day after he came, with credit for the money. There was some hopes of a peace, as there was an actual cessation of war in Hungary: the malecontents had been put in hopes of a great diversion of the emperor's forces on the side of Bavaria, where there was a great insurrection, provoked, as was said, by the oppression of the imperial officers, who were so accustomed to be heavy in their quarters, that when they had the pretence, that they were among enemies, it may be easily believed
446 there was much just occasion of complaint; and that they were guilty of great exactions and rapine. This looked formidably at first, and seemed to threaten a new war in those parts; but all was soon suppressed: the peasants had no officers among them, no discipline, nor magazines, and no place of

strength: so they were quickly dispersed, and stricter orders were given for the better regulating the military men, though it was not expected that these would be long observed. 1706.

While matters were in this disposition abroad, the treaty for the union of the two kingdoms was brought on, and managed with great solemnity. Commissions were given out for thirty-two persons of each kingdom to meet at London on the 18th of April: Somerset-house was appointed for the place of the treaty; the persons who were named to treat on the English side were well chosen: they were the most capable of managing the treaty, and the best disposed to it of any in the kingdom. Those who came from Scotland were not looked on as men so well affected to the design: most of them had stood out in a long and firm opposition to the revolution, and to all that had been done afterwards, pursuant to it. The nomination of these was fixed on by the dukes of Queensbury and Argyle: it was said by them, that though these objections did indeed lie against them, yet they had such an interest in Scotland, that the engaging them to be cordially for the union would be a great means to get it agreed to in the parliament there: the Scotch had got among them the notion of a federal union, like that of the united provinces, or of the cantons in Switzerland: but the English resolved to lose no time in the examining or discussing of that project, for this reason, besides many others, that as long as the two nations had two different parliaments, they could break that union whensoever they pleased; for each nation would follow their own parliament: the design was now to settle a lasting and indis- The treaty for the union of the two kingdoms.

1706. soluble union between the kingdoms, therefore they resolved to treat only about an incorporating union, that should put an end to all distinctions, and unite all their interests: so they at last entered upon the scheme of an entire union.

But now to look again into our affairs abroad: the French seemed to have laid the design of their campaign so well, that it had every where a formidable appearance: and if the execution had answered their scheme, it would have proved as glorious, as it was in the conclusion fatal to them. They reckoned the taking of Barcelona and Turin sure: and by these, they thought the war, both in Spain and
447 Italy, would be soon brought to an end: they knew they would be superior to any force that the prince of Baden could bring together on the upper Rhine; and they intended to have a great army in Flanders, where they knew our chief strength would be, to act as occasion or their other affairs should require. But how well soever this design might seem to be laid, it appeared Providence had another; which was brought to bear every where in a most wonderful manner, and in reverse to all their views. The steps of this, I intend to set out, rather as a meditation on the providence of God, than as a particular history of this signal year, for which I am no way furnished: besides that, if I were, it does not answer my principal design in writing.

The French lay thirty-seven days before Barcelona: of that time, twenty-two were spent in taking Mountjoy; they seemed to think there was no danger of raising the siege, and that therefore they might proceed as slowly as they pleased: the town was under such a consternation, that nothing but

the king's presence could have kept them from capitulating the first week of the siege: there were some mutinies raised, and some of the magistrates were killed in them: but the king came among them on all occasions, and both quieted and animated them. Stanhope wrote, after the siege was over, (whether as a courtier or not, I cannot tell, for he had now on him the character of the queen's envoy to king Charles,) that the king went into all places of danger, and made all about him examples to the rest, to be hard at work, and constant upon duty. After Mountjoy was taken, the town was more pressed: the earl of Peterborough came from Valentia, and was upon the hills, but could not give them any great assistance: some few from Gironne and other places got into the town: the French engineers performed their part with little skill and success; those they relied most on happened to be killed in the beginning of the siege. The Levant wind was all this while so strong, that it was not possible for Leak to come up so soon as was desired to their relief. 1706.

The siege of Barcelona raised.

But when their strength, as well as their patience, was almost quite exhausted, the wind turned, and Leak with all possible haste sailed to them: as soon as the count of Toulouse had intelligence that he was near him, he sailed back to Toulon. Tessé, with king Philip, (who was in the camp, but was not once named in any action,) continued three days before Barcelona, after their fleet sailed away: they could then have no hopes of carrying it, unless a storm at sea had kept our fleet at a distance: at last, on the first of May, O. S. the siege was raised with great precipitation, and in much disorder:

1706. their camp was left well furnished, and the sick and wounded could not be carried off.

448 An eclipse of the sun. On the day of the raising the siege, as the French army was marching off, the sun was eclipsed, and it was total in those parts: it is certain that there is no weight to be laid on such things; yet the vulgar being apt to look on them as ominous, it was censured as a great error in Tessé, not to have raised the siege a day sooner; and that the rather, because the king of France had made the sun, with a motto of *Nec pluribus impar*, his device [i]. King Philip made all the haste he could to Perpignan, but his army was almost quite ruined before he got thither: there was no manner of communication overland between Barcelona and Portugal: so the Portuguese, doubting the issue of that siege, had no mind to engage further, till they saw how it ended: therefore they ordered their army to march aside to Ciudad Roderigo, on pretence that it was necessary to secure their frontier, by taking that place: it was taken after a very short siege, and with small resistance: from thence they advanced to Salamanca. But upon the news of raising the siege of Barcelona, they went on towards Madrid; the duke of Berwick only observing their motions, and still retiring before them. King Philip went, with great expedition, and a very small train, from Perpignan to Navarre; from thence he came post to Madrid; but finding he had no army that he could trust to, the grandees being now retired, and looking as so many dead men; and he seeing that the Portuguese were still advancing, sent his queen to Burgos, and fol-

The earl of Galway advanced.

King Philip came to Madrid, and soon left it.

[i] (This device, together with the starry host outshone by the sun, appears in the title page of some books printed in France.)

lowed her in a few days, carrying with him that which was valuable in the palace: and it seems he despaired ever to return thither again, since he destroyed all that could not be carried away; in which he acted a very extraordinary part, for he did some of this with his own hand; as the gentleman whom the earl of Galway sent over told me, was universally believed in Madrid. 1706.

The capital city being thus forsaken, the earl of Galway came to it by the end of June; he met with no resistance indeed, but with as little welcome: an army of Portuguese, with a heretic at their head, were certainly very strange sights to the Castilians, who retained all the pride, without any of the courage, of their ancestors: they thought it below them to make their submissions to any but to the king himself; and if king Charles had come thither immediately, it was believed that the entire reduction of Spain would have been soon brought about. It is not yet certain, what made him stay so long as he did at Barcelona, even from the beginning of May till near the end of July. Those about him pretended, it was not fit to go to Madrid, till he was well furnished with money, to make a decent entry: 449 Stanhope offered to furnish him with what was necessary for the journey, but could not afford a magnificent epuipage for a solemn entry. King Charles wrote a very pressing letter to the duke of Marlborough, setting forth his necessities, and desiring greater supplies; I saw this letter, for the duke sent it over to the lord treasurer: but little regard was had to it, because it was suggested from many different hands, that the prince of Lichtenstein was enriching himself, and keeping his king poor. Others pretended

The earl of Galway came to it, but king Charles delayed too long to come thither.

1706. the true cause of the delay was a secret amour of that king's at Barcelona; whatsoever the cause of it might be, the effects have hitherto proved fatal: it was first proposed, that king Charles should march through Valentia, as the nearest and much the safest way, and he came on that design as far as Tarracona: but advice being brought him there, that the kingdom of Arragon was in a good disposition to declare for him, he was diverted from his first intentions, and prevailed on to go to Saragoza; where he was acknowledged by that kingdom: but he lost much time, and more in the reputation of his arms, by delaying so long to move towards Madrid: so king Philip took heart, and came back from Burgos to Madrid. The earl of Galway was very uneasy at this slow motion which king Charles made: king Philip had some more troops sent him from France, and the broken bodies of his army, being now brought together, he had an army equal in numbers to the earl of Galway, and so he marched up to him; but since so much depended on the issue of an action, the earl of Galway avoided it, because he expected every day reinforcements to be brought up to him, both by king Charles and by the earl of Peterborough, from Valentia: therefore, to facilitate this conjunction, he moved towards Arragon; so that Madrid was again left to be possessed by king Philip. At last, in the beginning of August, king Charles came up, but with a very inconsiderable force: a few days after, the earl of Peterborough came also with an escort, rather than any strength; for he had not with him above 500 dragoons. He was now uneasy, because he could not have the supreme command, both the earl of Galway and count Noyelles being much an-

cienter officers than he was. But to deliver him from the uneasiness of being commanded by them, the queen had sent him the powers of an ambassador extraordinary; and he took that character on him for a few days. His complaining, so much as he did, of the prince of Lichtenstein and the Germans, who were still possessed of king Charles's confidence, made him very unacceptable to that king: so he, waiting for orders from the queen, withdrew from the camp, and sailed away in one of the queen's ships to Genoa. Our fleet lay all the summer in the Mediterranean; which obliged the French to keep theirs within Toulon. Cartagena declared for king Charles, and was secured by some of our ships: the fleet came before Alicant; the seamen landed, and stormed the town; the castle held out some weeks, but then it capitulated, and the soldiers by articles were obliged to march to Cadiz. Soon after that our fleet sailed out of the straits; one squadron was sent to the West Indies; another was to lie at Lisbon, and the rest were ordered home. After king Charles had joined lord Galway, king Philip's army and his looked on one another for some time, but without venturing on any action: they were near an equality, and both sides expected to be reinforced; so in that uncertainty neither side would put any thing to hazard. 1706. 450

The battle of Ramelies.

But now I turn to another and a greater scene: the king of France was assured that the king of Denmark would stand upon some high demands he made to the allies, so that the duke of Marlborough could not have the Danes, who were about ten or twelve thousand, to join him for some time; and that the Prussians, almost as many as the Danes,

1706. could not come up to the confederate army for some weeks: so he ordered the elector of Bavaria and Villeroy to march up to them, and to venture on a battle; since, without the Danes, they would have been much superior in number. The States yielded to all Denmark's demands, and the prince of Wirtemberg, who commanded their troops, being very well affected, reckoned that all being granted, he needed not stay till he sent to Denmark, nor wait for their express orders: but marched and joined the army the day before the engagement. Some thought, that the king of France, upon the news of the disgrace before Barcelona, that he might cover that, resolved to put all to venture, hoping that a victory would have set all to rights; this passed generally in the world. But the duke of Marlborough told me, that there being only twelve days between the raising of the siege of Barcelona and this battle, the one being on the first of May, and the other on the twelfth, eight of which must be allowed for the courier to Paris, and from thence to Brabant, it seemed not possible to put things in the order in which he saw them, in so short a time. The French left their baggage and heavy cannon at Judoign; and marched up to the duke of Marlborough: he was marching towards them on the same design; for if they had not offered him battle on the twelfth, he was resolved to have attacked them on the thirteenth of May: they met near a village called Ramellies,
451 (not far from the Mehaigne,) from whence the battle takes its name.

A great victory gained. The engagement was an entire one; and the action was hot for two hours; both the French mousquetaires and the cuirassiers were there; the

elector of Bavaria said, it was the best army he ever beheld: but after two hours, the French gave way every where, so it ended in an entire defeat. They lost both their camp, baggage, and artillery, as well as all that they had left in Judoign; and in all possible confusion they passed the Dyle; our men pursuing till it was dark. The duke of Marlborough said to me, the French army looked the best of any he had ever seen: but that their officers did not do their part, nor shew the courage that had appeared among them on other occasions. And when I asked him the difference between the actions at Hockstedt (or Blenheim) and at Ramellies, he said, the first battle lasted between seven and eight hours, and we lost above 12,000 men in it; whereas the second lasted not above two hours, and we lost not above 2500 men[k]. Orders were presently sent to the great cities, to draw the garrisons out of them, that so the French might have again the face of an army: for their killed, their deserters, and their prisoners, on this great day, were above 20,000 men. The duke of Marlborough lost no time, but followed 1706.

[k] There is a curious account of the personal danger which the duke of Marlborough was exposed to in the battle, as given by the late lord Molesworth (then a captain) to the compiler of an Irish peerage. H. (Tindal in his Continuation of Rapin's Hist. of England, vol. IV. p. 748. "He was in "the extremity of danger; for, "being singled out by several "of the most resolute of the "enemy, and having the mis- "fortune, as he was leaping a "ditch, to fall from his horse, "he had been either killed or "taken prisoner, if some of "the confederate foot, that "were near at hand, had not "come very seasonably to his "assistance. After this, he "had a still narrower escape, "a cannon ball taking off the "head of colonel Brienfield, "his gentleman of the horse, "as he was holding the stirrup "for the duke to remount." See also Coxe's Memoirs of the Duke of Marlborough, vol. IV. p. 30. and p. 372.)

1706. them close: Louvain, Mechlin, and Brussels submitted, besides many lesser places; Antwerp made a shew of standing out, but soon followed the example of the rest; Ghent and Bruges did the same: in all these king Charles was proclaimed. Upon this unexpected rapidity of success, the duke of Marlborough went to the Hague, to concert measures with the States, where he stayed but few days; for they agreed to every thing he proposed, and sent him back with full powers: the first thing he undertook was the siege of Ostend, a place famous for its long siege in the last age: the natives of the place were disposed to return to the Austrian family, and the French that were in it had so lost all heart and spirit, that they made not the resistance that was looked for: in ten days, after they sat down before it, and within four days after the batteries were finished, they capitulated. From thence the confederates went to Menin, which was esteemed the best finished fortification in all those parts: it was built after the peace of Nimeguen; nothing that art could contrive was wanting to render it impregnable; and it was defended by a garrison of 6000 men, so that many thought it was too bold an undertaking to sit down before it. The French army was become considerable, by great detachments brought from the Upper Rhine; where mareschal Villars was so far superior to the Germans, that, if it had not been for this revulsion of his forces, the circles of Suabia and Franconia would have been much exposed to pillage and contribution.

Flanders and Brabant reduced.

Ostend and Menin taken.

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The duke of Vendome commanded in Flanders.

The duke of Vendome's conduct in Italy had so raised his character, that he was thought the only man fit to be at the head of the army in Flanders:

so he was sent for, and had that command given him, with a very high compliment, which was very injurious to the other officers, since he was declared to be the single man on whom France could depend, and by whom it could be protected in that extremity[1]. The duke of Orleans was sent to command in Italy, and mareschal Marsin was sent with him to assist, or rather in reality to govern him: and so obstinately was the king of France set on pursuing his first designs, that notwithstanding his disgraces both in Spain and in the Netherlands, yet (since he had ordered all the preparations for the siege of Turin,) he would not desist from that attempt, but ordered it to be pursued with all possible vigour. The siege of Menin was, in the mean while, carried on so successfully, that the trenches were opened on the 24th of July, and the batteries were finished on the 29th: and they pressed the place so warmly, that they capitulated on the 11th of August, and marched out on the 14th, being St. Lewis's day; 4000 men marched out of the place. 1706.

It seemed strange, that a garrison which was still so numerous, should give up, in so short a time, a place that was both so strong and so well furnished: but as the French were much sunk, so the allies were now become very expert at carrying on of sieges; and spared no cost that was necessary for despatch. Dendermonde had been for some weeks under a blockade: this, the duke of Marlborough

[1] (The duke of Vendome was the son of a natural son of Henry IV. He was defeated by the duke of Marlborough at the battle of Oudenarde, but afterwards vanquished general Stanhope in Spain.)

1706. ordered to be turned into a formal siege. The place was so surrounded with water, that the king of France, having once begun a siege there, was forced to raise it; yet it was now so pressed, that the garrison offered to capitulate, but the duke of Marlborough would give them no other terms but those of being prisoners of war, to which they were forced to submit. Aeth was next invested; it lay so inconveniently between Flanders and Brabant, that it was necessary to clear that communication, and to deliver Brussels from the danger of that neighbourhood: in a fortnight's time it was also obliged to capitulate, and the garrison were made prisoners of war.

Dendermonde and Aeth taken.

During those sieges, the duke of Vendome, having fixed himself in a camp that could not be forced, did not think fit to give the duke of Marlborough any disturbance; while he lay with his army cover-
453 ing the sieges; the French were jealous of the elector of Bavaria's heat, and though he desired to command an army apart, yet it was not thought fit to divide their forces, though now grown to be very numerous. Deserters said, the panic was still so great in the army, that there was no appearance of their venturing on any action: Paris itself was under a high consternation, and though the king carried his misfortunes with an appearance of calmness and composure, yet he was often let blood, which was thought an indication of a great commotion within; and this was no doubt the greater, because it was so much disguised. No news was talked of at that court; all was silent and solemn; so that even the duchess dowager of Orleans knew not the

true state of their affairs; which made her write to her aunt, the electoress of Hanover, to learn news of her. 1706.

There was another alarm given them, which heightened the disorder they were in: the queen and the States formed a design of a descent in France, with an army of about 10,000 foot and 1200 horse. The earl of Rivers commanded the land army, as Shovell did a royal fleet, that was to convoy them, and to secure their landing; it was to be near Bourdeaux: but the secret was then so well kept, that the French could not penetrate into it; so the alarm was general. It put all the maritime counties of France to a vast charge, and under dismal apprehensions: officers were sent from the court to exercise them; but they saw what their militia was, and that was all their defence. I have one of the manifestos that the earl of Rivers was ordered to publish upon his landing: he declared by it, that he was come neither to pillage the country, nor to conquer any part of it; he came only to restore the people to their liberties, and to have assemblies of the states, as they had anciently, and to restore the edicts to the protestants; he promised protection to all that should come in to him [m]. The troops were all put aboard at Portsmouth in the beginning of July, but they were kept in our ports by contrary winds till the beginning of October: the design on France was then laid aside; it was too late in the year for the fleet to sail into the bay of Biscay, and

Designs for a descent in France.

[m] The projectors of this expedition to be sure believed, that at least all the protestants in France would have risen and joined our 11,200 men. And so earl Rivers was to restore freedom to France. O.

1706. to lie there for any considerable time in that season: the reduction of Spain was of the greatest importance to us; so new orders were sent them to sail first to Lisbon, and there to take such measures as the state of the affairs of Spain should require.

The siege of Turin.

The siege of Turin was begun in May, and was continued till the beginning of September: there was a strong garrison within it, and it was well furnished, both with provisions and ammunition. The duke of Savoy put all to the hazard: he sent his duchess with his children to Genoa; and himself, with a
454 body of 3000 horse, was moving about Turin, from valley to valley, till that body was much diminished: for he was, as it were, hunted from place to place, by the duke of Feuillade, who commanded in the siege, and drove the duke of Savoy before him: so that all hope of relief lay in prince Eugene. The garrison made a noble resistance, and maintained their outworks long; they blew up many mines, and disputed every inch of ground with great resolution: they lost about 6000 men, who were either killed, or had deserted during the siege; and their powder was at last so spent, that they must have capitulated within a day or two, if they had not been relieved. The siege cost the French very dear; they were often forced to change their attacks, and lost about 14,000 men before the place; for they were frequently beat from the posts that they had gained.

Prince Eugene marches to raise it.

Prince Eugene made all the haste he could to their relief: the court of Vienna had not given due orders, as they had undertaken, for the provision of the troops that were to march through their country to join him: this occasioned many complaints, and some delay. The truth was, that court was so

much set on the reduction of Hungary, that all other things were much neglected, while that alone seemed to possess them. A treaty was set on foot with the malecontents there, by the mediation of England and of the States; a cessation of arms was agreed to for two months: all that belonged to that court were very uneasy while that continued; they had shared among them the confiscations of all the great estates in Hungary, and they saw, that if a peace was made, all these would be vacated, and the estates would be restored to their former owners: so they took all possible means to traverse the negotiation, and to inflame the emperor. There seemed to be some probability of bringing things to a settlement, but that could not be brought to any conclusion during the term of the cessation; when that was lapsed, the emperor could not be prevailed on to renew it: he recalled his troops from the Upper Rhine, though that was contrary to all his agreements with the empire. Notwithstanding all this ill management of the court of Vienna, prince Eugene got together the greatest part of those troops that he expected in the Veronese before the end of June: they were not yet all come up, but he, believing himself strong enough, resolved to advance; and he left the prince of Hesse, with a body to receive the rest, and by them to force a diversion, while he should be going on. The duke of Vendome had taken care of all the fords of the Adige, the Mincio, and the Oglio; and had cast up such lines and intrenchments every where, that he had assured the court of France, it was not possible for 455
prince Eugene to break through all that opposition, at least to do it in any time to relieve Turin. By 1706.

1706. this time the duke of Orleans was come to take the army out of Vendome's hands: but before that duke had left it, they saw that he had reckoned wrong, in all those hopes he had given the court of France, of stopping prince Eugene's march. For, in the beginning of July, he sent a few battalions over one of the fords of the Adige, where the French were well posted, and double their number; yet they ran away with such precipitation, that they left every thing behind them: upon that, prince Eugene passed the Adige with his whole army, and the French, in a consternation, retired behind the Mincio. After this, prince Eugene surprised the French with a motion that they had not looked for, nor prepared against, for he passed the Po; the duke of Orleans followed him, but declined an engagement; whereupon prince Eugene wrote to the duke of Marlborough, that he felt the effects of the battle of Ramellies, even in Italy, the French seeming to be every where dispirited with their misfortunes. Prince Eugene, marching nearer the Appenines, had gained some days' march of the duke of Orleans; upon which, that duke repassed the Po, and advanced with such haste towards Turin, that he took no care of the pass at Stradella, which might have been kept and disputed for some days: prince Eugene found no opposition there; nor did he meet with any other difficulty, but from the length of the march, and the heat of the season; for he was in motion all the months of July and August.

In the beginning of September, the duke of Savoy joined him, with the small remnants of his army, and they hasted on to Turin. The duke of

Orleans had got thither before them, and the place was now reduced to the last extremities; the duke of Orleans, with most of the chief officers, were for marching out of the trenches; Marsin was of another mind, and when he found it hard to maintain his opinion, he produced positive orders for it, which put an end to the debate. The duke of Savoy saw the necessity of attacking them in their trenches; his army consisted of 28,000 men, but they were good troops; the French were above 40,000, and in a well fortified camp; yet after two hours' resistance, the duke of Savoy broke through, and then there was a great destruction; the French flying in much disorder, and leaving a vast treasure in their camp, besides great stores of provisions, ammunition, and artillery. It was so entire a defeat, that not above 1600 men of that great army got off in a body; and they made all the haste they could into Dauphiny. The duke of Savoy went into Turin; where it may be easily imagined, he was received with much joy; the garrison, for want of powder, was not in a condition to make a sally on the French, while he attacked them; the French were pursued as far as men, wearied with such an action, could follow them, and many prisoners were taken. The duke of Orleans, though he lost the day, yet gave great demonstrations of courage, and received several wounds: mareschal Marsin fell into the enemies' hands, but died of his wounds in a few hours; and upon him all the errors of this dismal day were cast, though the heaviest part of the load fell on Chamillard, who was then in the supreme degree of favour at court, and was entirely possessed of madame Maintenon's confidence. Feuillade had married his

1706.

The French army routed, and the siege raised.

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1706. daughter, and in order to the advancing him, he had the command of this siege given him, which was thus obstinately pursued, till it ended in this fatal manner. The obstinacy continued; for the king sent orders, for a month together, to the duke of Orleans, to march back into Piedmont, when it was absolutely impossible; yet repeated orders were sent, and the reason of this was understood afterwards: madame Maintenon, it seems, took that care of the king's health and humour, that she did not suffer the ill state of his affairs to be fully told him: he, all that while, was made believe, that the siege was only raised upon the advance of prince Eugene's army; and knew not that his own was defeated and ruined. I am not enough versed in military affairs, to offer any judgment upon that point, whether they did well or ill, not to go out of their camp to fight: it is certain, that the fight was more disorderly, and the loss was much greater, by reason of their lying within their lines: in this I have known men of the trade of different opinions.

While this was done at Turin, the prince of Hesse advanced to the Mincio, which the French abandoned; but as he went to take Castiglione, Medavi, the French general, surprised him, and cut off about 2000 of his men; upon which he was forced to retire to the Adige. The French magnified this excessively, hoping with the noise they made about it, to balance their real loss at Turin. The prince of Vaudemont, upon the news from Turin, left the city of Milan, and retired, with the small force he had, to Cremona: the duke of Savoy and prince Eugene marched, with all haste, into the Milanese: the city of Milan was opened to them; but the citadel, and

some strong places that had garrisons in them, stood out some time; yet place after place capitulated, so that it was visible all would quickly fall into their hands. 1706.

Such a succession of eminent misfortunes in one campaign, and in so many different places, was without example: it made all people conclude, that the time was come, in which the perfidy, the tyranny, and the cruelty of that king's long and bloody reign, was now to be repaid him, with the same severe measure with which he had formerly treated others: but the secrets of God are not to be too boldly pried into, till he is pleased to display them to us more openly. It is certainly a year that deserves to be long and much remembered. 457

In the end of the campaign, in which Poland had been harassed with the continuance of the war, but without any great action; the king of Sweden, seeing that king Augustus supported his affairs in Poland, by the supplies both of men and money, that he drew from his electorate, resolved to stop that resource: so he marched through Silesia and Lusatia into Saxony. He quickly made himself master of an open country, that was looking for no such invasion, and was in no sort prepared for it, and had few strong places in it, capable of any resistance: the rich town of Leipsick, and all the rest of the country, was, without any opposition, put under contribution. All the empire was alarmed at this; it was at first apprehended, that it was set on by the French councils, to raise a new war in Germany, and to put the north all in a flame. The king of Sweden gave it out, that he had no design to give any disturbance to the empire: that he in- The king of Sweden marched into Saxony.

1706. tended, by this march, only to bring the war of Poland to a speedy conclusion; and it was reasonable to believe, that such an unlooked for incident would soon bring that war to a crisis.

A treaty of union concluded.

This was the state of our affairs abroad, in this glorious and ever-memorable year. At home, another matter of great consequence was put in a good and promising method: the commissioners of both kingdoms sat close in a treaty, till about the middle of July; in conclusion, they prepared a complete scheme of an entire union of both nations[n]: some particulars being only referred, to be settled by their parliaments respectively. When every thing was agreed to, they presented one copy of the treaty to the queen, and each side had a copy, to be presented to their respective parliament, all the three copies being signed by the commissioners of both kingdoms: it was resolved to lay the matter, first before the parliament of Scotland, because it was apprehended that it would meet with the greatest opposition there.

The union of the two kingdoms was a work, of which many had quite despaired, in which number I was one; and those who entertained better hopes, thought it must have run out into a long negotiation for several years: but beyond all men's expectation, it was begun and finished within the compass of

458 one. The commissioners, brought up from Scot-

The articles of the union.

land, for the treaty, were so strangely chosen, (the far greater number having continued in an opposition to the government ever since the revolution,) that from thence many concluded, that it was not sincerely designed by the ministry, when they saw

[n] There is one in the office of the house of commons. O.

such a nomination. This was a piece of the earl of Stair's cunning, who did heartily promote the design: he then thought, that if such a number of those who were looked on as Jacobites, and were popular men on that account, among the disaffected there, could be so wrought on, as to be engaged in the affair, the work would be much the easier, when laid before the parliament of Scotland: and in this, the event shewed that he took right measures. The lord Somers had the chief hand in projecting the scheme of the union, into which all the commissioners of the English nation went very easily: the advantages that were offered to Scotland, in the whole frame of it, were so great and so visible, that nothing but the consideration of the safety, that was to be procured by it to England, could have brought the English to agree to a project, that, in every branch of it, was much more favourable to the Scotch nation. 1706.

They were to bear less than the fortieth part of the public taxes: when four shillings in the pound was levied in England, which amounted to two millions, Scotland was only to be taxed at 48,000 pounds, which was eight months' assessment: they had been accustomed for some years to pay this, and they said it was all that the nation could bear. It is held a maxim, that in the framing of a government, a proportion ought to be observed between the share in the legislature, and the burden to be borne[o]; yet in return of the fortieth part of the

[o] In the first establishment or renewal; for variations afterwards must happen in trading countries, especially by the increase and decrease in the riches and value of different places; and alterations upon such changes in property may be dangerous, and will be endless. Upon great emergencies

1706. burden, they offered the Scotch near the eleventh part of the legislature: for the peers of Scotland were to be represented by sixteen peers in the house of lords, and the commons, by forty-five members in the house of commons; and these were to be chosen, according to the methods to be settled in the parliament of Scotland. And since Scotland was to pay customs and excises, on the same foot with England, and was to bear a share in paying much of the debt England had contracted during the war; 398,000 pounds was to be raised in England, and sent into Scotland, as an equivalent for that; and that was to be applied to the recoining

and revolutions, it may perhaps by a great spirit of government be done with safety. The long parliament of 1641 formed a plan for it in part; it was suggested to them in one of the representations to the parliament, (a scheme, very likely, of Ireton's,) and Cromwell carried it into execution: but he lost his parliament by it, and his son Richard returned to the old method of representation for England. What I mean was the taking away elections from the small decayed boroughs, and enlarging the number of representatives for counties and city of London: but even this was unequally done. It was however a constitution I heartily wish had been continued. This would be the most effectual cure of corruption in elections, &c. See Willis's Notitia Parliamentaria for the lists of Cromwell's (elected) parliament, and observe the names and families of the knights of the shires for England, and the same also in his son's parliament. It is a sad mark of courts or times, when corruption is deemed necessary for government. How glorious and popular would a prince be who should suppress it; every thing would be just and great. I had an acquaintance (whom you remember, I believe) that had done something for me (I think it was on that occasion) which I was pleased with, and hinted at some gratuity for: but he desired to be excused, and said, "It is a rule with "me, sir, to do nothing for "money." He was (I confess) a very particular man; and his neighbours, to whom he did great good in the way of a profession without any consideration for it, looked upon him as half mad, and I, as the only true philosopher I ever met with; for which you shall call me what you please. O.

the money, that all might be of one denomination and standard, and to paying the public debts of Scotland, and repaying to their African company all their losses with interest; upon which that company was to be dissolved; and the overplus of the equivalent was to be applied to the encouragement of manufactures. Trade was to be free all over the island, and to the plantations; private rights were to be preserved; and the judicatories and laws of Scotland were still to be continued: but all was put, for the future, under the regulation of the parliament of Great Britain; the two nations now were to be one kingdom, under the same succession to the crown, and united in one parliament. There was no provision made in this treaty, with relation to religion: for in the acts of parliament, in both kingdoms, that empowered the queen to name commissioners, there was an express limitation, that they should not treat of those matters. 1706. 459

This was the substance of the articles of the treaty, which being laid before the parliament of Scotland, met with great opposition there [p]. It was visible, that the nobility of that kingdom suffered a great diminution by it [q]; for though it was agreed, Debated long in the parliament of Scotland.

[p] Amongst lord Somers's papers were several letters from the most considerable Scotch peers; as Queensbury, Stair, Marchmont, &c. by which it appears how much he was consulted on every step of this great work. H.

[q] In nobody's opinion but the bishop's: for their voting for a representative in the house of lords was more than an equivalent for sitting in their own parliament; where they sat with the commons, and had only an equal vote with the rest of the company. The chief of them thought themselves sure of being elected; the generality were very poor, and had been mostly raised by high commissioners to serve a turn; and the privilege of not being arrested was a valuable one to them: besides the being triable by the house of lords only

1706. that they should enjoy all the other privileges of the peers of England, yet the greatest of them all, which was the voting in the house of lords, was restrained to sixteen, to be elected by the rest at every new parliament; yet there was a greater majority of the nobility, that concurred in voting for the union, than in the other states of that kingdom. The commissioners from the shires and boroughs were almost equally divided, though it was evident they were to be the chief gainers by it; among these the union was agreed to by a very small majority: it was the nobility, that in every vote turned the scale for the union: they were severely reflected on by those who opposed it; it was said, many of them were bought off, to sell their country and their birthright: all those who adhered inflexibly to the Jacobite interest opposed every step that was made with great vehemence; for they saw that the union struck at the root of all their views and designs for a new revolution. Yet these could not have raised or maintained so great an opposition as was now made; if the presbyterians had not been possessed with a jealousy, that the consequence of this union would be the change of church government among them,

was a vast security to the best of them, who were entirely at the mercy of the court before: with a great many other immunities they had never been entitled to. For in truth there was little distinction between them and the commons but high titles, that had been liberally bestowed, and afterwards used for a lame leg to beg with, which they knew would remain as good, if not a better plea, after the union, than it was before. D. ("An incorporating "union," writes Laing in his *History of Scotland*, "was "therefore embraced, not only "to render their authority per- "manent at home, but with "the more ambitious design of "acquiring, from the united "interest of Scotland, a nu- "merous party in the English "parliament." Vol. IV. b. XI. p. 336.)

and that they would be swallowed up by the church of England. This took such root in many, that no assurances that were offered could remove their fears: it was infused in them chiefly by the old duchess of Hamilton, who had great credit with them: and it was suggested, that she and her son had particular views, as hoping, that if Scotland should continue a separated kingdom, the crown might come into their family, they being the next in blood after king James's posterity[r]. The infusion of such apprehensions had a great effect on the main body of that party, who could scarce be brought to hearken, but never to accept of the offers that were made for securing their presbyterian government. A great part of the gentry of that kingdom, who had been oft in England, and had observed the protection that all men had from a house of commons, and the security that it procured against partial judges and a violent ministry, entered into the design with great zeal[s]. The opening a free trade, 1706. 460

[r] (Compare Laing's Hist. of Scotland, vol. IV. b. xi. p. 317. It appears however from other places of this work, as well as from Somerville's History, that the duke of Hamilton, through subserviency to the wishes of the court, abandoned his opposition to the measure of the union. Consult Laing, b. xii. p. 377, and b. xi. p. 325, with Somerville's History of Queen Anne, ch. ix. pp. 201, 202, and ch. x. p. 218.)

[s] This constitutional check upon power, by the house of commons, is one of the most beneficial advantages the people receive by frequent parliaments. It has such an effect upon all counsels and offices whatsoever, that the being barely named there for any misfeazance creates a terror to every body concerned in it. A majority for them is not a sufficient security for wrong doing; and I have known the smallest minority there, by the freedom of speech only, keep the ablest and boldest ministers in awe. If parliaments sit annually, which they may always secure to themselves now, if they will, and should never depart from, it is almost impossible that any exorbitancy of power should subsist long

1706. not only with England, but with the plantations, and the protection of the fleet of England, drew in

enough to do much mischief. No person can stand it, unless supported by violence, if the abuse be great and glaring. He may be acquitted by a corrupt majority; but he is undone, notwithstanding that. I have known some very good men, who have thought, that the only cure of corruption in parliament would be to have them meet but once in two or three years, and to have the supplies given for that period. I admired their zeal, but not their wisdom. The remedy would be death. The benefit I mentioned before would be in a great measure lost soon, and parliaments themselves in some time would be lost too. An artful court might easily carry it by degrees from three years to the seven; and then afterwards to make the assembling, and giving aids of money to the crown, to be matters of form only, as it is practised in some of the provinces of France; which instance alone is sufficient to put us upon our guard. They were once as free in those assemblies as we are; but the appetite of sole power, with the support of armies, has reduced their real freedom to the shadow of it only; and so I fear it would be with us, if once we let go our hold of yearly meetings of parliament. But to this perhaps it may be said, that in Ireland parliaments meet but once in two years, and no attempt has been made to extend the interval to a farther period. To which this plain answer is to be given. That it is not worth the while of the crown to attempt, or to have it, there only; and if it was attempted there, the parliament and nation here would be alarmed, and interpose upon it: but if the measure was taken and completed in this country, it would in a quicker way become the fate of that. See antea p. 247. O. (This reasoning in favour of the annual meeting of parliament, by the speaker, is conclusive, as far as it respects, what he calls the liberties of the people, or, as Mr. Fox expressed himself, the disguised republic; but meetings of parliament after no long intervals, such as the necessities of government, arising from the relations of this country with others, must always command, would be sufficient for the preservation of real liberty, and the correction of abuses, in the opinion at least of those who are attached to the ancient, efficient, but limited, monarchy of England. Yet all this is perhaps mere matter of speculation; for those who have been long in possession of power will never voluntarily part with it; and in case of violent proceedings, which Heaven avert! accordingly as either party prevailed, despotism, or, for a time, an avowed republic, would most probably be established. Apprehensions of what would be consequent upon annual

those who understood these matters, and saw there was no other way in view to make the nation rich and considerable. Those who had engaged far into the design of Darien, and were great losers by it, saw now an honourable way to be reimbursed, which made them wish well to the union, and promote it. But that which advanced the design most effectually, and without which it could not have succeeded, was, that a considerable number of noblemen and gentlemen, who were in no engagements with the court, (on the contrary, they had been disobliged, and turned out of great posts, and some very lately,) declared for it. These kept themselves very close and united, and seemed to have no other interest but that of their country, and were for that reason called the squadrone: the chief of these were, the marquess of Tweedale, the earls of Rothes, Roxburgh, Hadington, and Marchmont; they were in great credit, because they had no visible bias on their minds; ill usage had provoked them rather to oppose the ministry, than to concur in any thing where the chief honour would be carried away by others. When they were spoke to by the ministry, 1706.

sessions of parliament are expressed by archbishop Sharp in his speech in the year 1693 upon the triennial bill, which then contained a clause to that effect. "I dare say," adds the archbishop, "there is no one "in this house intends such a "thing as this; but I ask, if "ever hereafter there should "be any man who would in "good earnest design to cramp "the royal authority, and to "oblige the king to take all "his measures, both of peace "and war, and in the disposal "of all offices; I say, to oblige "him to take all his measures, "as to these things, from a "parliament, or a committee "of the same; what more "effectual step can be made "towards the gaining such a "point, than to make a law "that should oblige him every "year to hold a parliament." *Life of Archbishop Sharp by his Son.* Vol. I. p. 288.)

1706. they answered coldly, and with great reserves; so it was expected they would have concurred in the opposition; and they being between twenty and thirty in number, if they had set themselves against the union, the design must have miscarried. But they continued still silent, till the first division of the house obliged them to declare, and then they not only joined in it, but promoted it effectually, and with zeal: there were great and long debates, managed, on the side of the union, by the earls of Seafield and Stair for the ministry, and of the squadrone by the earls of Roxburgh and Marchmont; and against it by the dukes of Hamilton and Athol, and the marquess of Annandale [t]. The duke of Athol was believed to be in a foreign correspondence, and was much set on violent methods: duke Hamilton managed the debate with great vehemence, but was against all desperate motions: he had much to lose, and was resolved not to venture all with those who suggested the necessity of running, in the old Scotch way, to extremities. The topics, from which the

[t] See Lockhart's Memoirs. O. "Duke Hamilton was at "the head of that which was "called the country party; but "a select number of this party "separated themselves from "the duke, and were distin- "guished by the name of the "*squadrone volante*, consist- "ing of the dukes of Mont- "rose and Roxburgh, the mar- "quis of Tweeddale, earls of "Rothes, Haddington, and "Marchmont, and about thirty "commoners. Suspecting that "duke Hamilton was averse "from coming into the Han- "over succession, (to which "they wished well at any "rate,) and being desirous, at "the same time, to procure "the best terms for their own "country from England, they "agreed to act by themselves "ordinarily, to join with duke "Hamilton's party when it "suited their purpose, and an- "swered their views, and at "other times to join with the "court party, when the duke's "faction pushed things too "far." Calamy's *Life by Himself*, vol. II. p. 47.

arguments against the union were drawn, were the antiquity and dignity of their kingdom, which was offered to be given up, and sold; they were departing from an independent state, and going to sink into a dependence on England; what conditions soever might be now speciously offered as a security to them, they could not expect that they should be adhered to, or religiously maintained in a parliament, where sixteen peers and forty-five commoners could not hold the balance against above an hundred peers and five hundred and thirteen commoners. Scotland would be no more considered as formerly by foreign princes and states: their peers would be precarious and elective: they magnified their crown, with the other regalia, so much, that since the nation seemed resolved never to suffer them to be carried away, it was provided, in a new clause added to the articles, that these should still remain within the kingdom. They insisted most vehemently on the danger that the constitution of their church must be in, when all should be under the power of a British parliament: this was pressed with fury by some, who were known to be the most violent enemies to presbytery of any in that nation: but it was done on design to inflame that body of men by those apprehensions, and so to engage them to persist in their opposition. To allay that heat, after the general vote was carried for the union, before they entered on the consideration of the particular articles, an act was prepared for securing the presbyterian government: by which it was declared to be the only government of that church, unalterable in all succeeding times, and the maintaining it was declared to be a fundamental and essential article 1706.

1706. and condition of the union; and this act was to be made a part of the act for the union, which, in the consequence of that, was to be ratified by another act of parliament in England. Thus those who were the greatest enemies to presbytery of any in the nation, raised the clamour of the danger that form of government would be in, if the union went on, to such a height, that by their means this act was carried, as far as any human law could go, for their security: for by this they had not only all the security that their own parliament could give them, but they were to have the faith and authority of the parliament of England, it being, in the stipulation, made an essential condition of the union: the carrying this matter so far, was done in hopes that the parliament of England would never be brought to pass it. This act was passed, and it gave an entire satisfaction to those who were disposed to receive any; but nothing could satisfy men who made use of this only to inflame others. Those who opposed the union, finding the majority was
462 against them, studied to raise a storm without doors, to frighten them: a set of addresses against the union were sent round all the countries, in which those who opposed it had any interest: there came up many of these, in the name of counties and boroughs, and at last, from parishes: this made some noise abroad, but was very little considered there, when it was known by whose arts and practices they were procured. When this appeared to have little effect, pains were taken to animate the rabble to violent attempts, both at Edinburgh and at Glasgow. Sir Patrick Johnston, lord provost of Edinburgh, had been one of the commissioners, and had

concurred heartily in the design: a great multitude gathered about his house, and were forcing the doors on design, as was believed, to murder him; but guards came and dispersed them. Upon this attempt, the privy council set out a proclamation against all such riots, and gave orders for quartering the guards within the town: but to shew that this was not intended to overawe the parliament, the whole matter was laid before them, and the proceedings of the privy council were approved. No other violent attempt was made after this, but the body of the people shewed so much sullenness, that probably, had any person of authority once kindled the fire, they seemed to be of such combustible matter, that the union might have cast that nation into great convulsions. These things made great impressions on the duke of Queensbury, and on some about him: he despaired of succeeding, and he apprehended his person might be in danger: one about him wrote to my lord treasurer, representing the ill temper the nation was generally in, and moved for an adjournment, that so with the help of some time, and good management, those difficulties, which seemed then insuperable, might be conquered. The lord treasurer told me, his answer was, that a delay was, upon the matter, laying the whole design aside; orders were given, both in England and Ireland, to have troops ready upon call; and if it was necessary, more forces should be ordered from Flanders: the French were in no condition to send any assistance to those who might break out, so that the circumstances of the time were favourable; he desired therefore, that they would go on, and not be 1706.

1706. alarmed at the foolish behaviour of some, who, whatever might be given out in their names, he believed, had more wit than to ruin themselves. Every step that was made, and every vote that was carried, was with the same strength, and met with the same opposition: both parties giving strict attendance during the whole session, which lasted for three months. Many protestations were printed, with every man's
463 vote: in conclusion, the whole articles of the treaty
At last agreed to. 1707. were agreed to, with some small variations. The earl of Stair, having maintained the debate on the last day in which all was concluded, died the next night suddenly, his spirits being quite exhausted by the length and vehemence of the debate. The act passed, and was sent up to London in the beginning of February.

The queen laid it before the two houses: the house of commons agreed to it all, without any opposition, so soon, that it was thought they interposed not delay and consideration enough, suitable to the importance of so great a transaction. The debates were longer and more solemn in the house of lords: the archbishop of Canterbury moved, that a bill might be brought in for securing the church of England; by it, all acts passed in favour of our church were declared to be in full force for ever; and this was made a fundamental and essential part of the union. Some exceptions were taken to the words of the bill, as not so strong as the act passed in Scotland seemed to be, since the government of it was not declared to be unalterable: but they were judged more proper, since, where a supreme legislature is once acknowledged, nothing can be unalter-

able [u]. After this was over, the lords entered upon the consideration of the articles, as they were amended in Scotland: it was pretended, that here a new constitution was made, the consequence of which, they said, was the altering all the laws of England. All the judges were of opinion, that there was no weight in this: great exceptions were taken to the small proportion Scotland was rated at in the laying on of taxes; and their election of peers to every new parliament was said to be contrary to the nature of peerage. To all the objections that were offered, this general answer was made, that so great a thing as the uniting the whole island into one government could not be compassed but with some inconveniences: but if the advantage of safety and union was greater than those inconveniences, then a lesser evil must be submitted to. An elective peer was indeed a great prejudice to the peers of Scotland, but since they had submitted to it, there was no just occasion given to the peers of England to complain of it. But the debate held longest upon the matters relating to the government of the church: it was said, here was a real danger the church ran into, when so many votes of persons tied to presbytery were admitted to a share in the legislature. All the rigour with which the episcopal clergy had been treated in Scotland was set forth, to shew with how implacable a temper they were set against the church of England; yet, in return to all that, it was now demanded, from 1707.

[u] (Perhaps this was the truth of the case taken by itself; but as the union of the two kingdoms was in one sense a federal union, several articles of it being declared to be fundamental and unalterable, the episcopal government of the church of England ought to have been secured in equally strong terms, as the Scotish presbyterian government.)

1707. the men of this church, to enact, that the Scotch
464 form should continue unalterable, and to admit those to vote among us who were such declared enemies to our constitution. Here was a plausible subject for popular eloquence, and a great deal of it was brought out upon this occasion by Hooper, Beveridge, and some other bishops, and by the earls of Rochester and Nottingham. But to all this it was answered, that the chief dangers the church was in were from France and from popery: so that whatsoever secured us from these, delivered us from our justest fears. Scotland lay on the weakest side of England, where it could not be defended but by an army; the coaleries on the Tine lay exposed for several miles, and could not be preserved but at a great charge, and with a great force: if a war should fall out between the two nations, and if Scotland should be conquered, yet, even in that case, it must be united to England, or kept under by an army. The danger of keeping up a standing force in the hands of any prince, and to be modelled by him, (who might engage the Scotch to join with that army, and turn upon England,) was visible; and any union, after such a conquest, would look like a force, and so could not be lasting; whereas all was now voluntary. As for church matters, there had been such violence used by all sides in their turns, that none of them could reproach the others much, without having it returned upon them too justly. A softer management would lay those heats, and bring men to a better temper: the cantons of Switzerland, though very zealous in their different religions, yet were united in one general body: the diet of Germany was composed of men of three different religions: so that several constitu-

tions of churches might be put under one legislature: and if there was a danger of either side, it was much more likely that 513 would be too hard for 45, than that 45 would master 513, especially when the crown was on their side; and there were twenty-six bishops in the house of lords to outweigh the sixteen votes from Scotland. It was indeed said, that all in England were not zealous for the church; to which it was answered, that by the same reason it might be concluded, that all those of Scotland were not zealous for their way, especially when the favour of the court lay in the English scale. The matter was argued for the union by the bishops of Oxford, Norwich [x], and my self [y], by the lord treasurer, the earls of Sunderland and Wharton, and the lords Townshend and Halifax, but above all by the lord Somers [z]. Every division of the house was made with so great an inequality, that they were but twenty against fifty that were for the union. When all was agreed to in both houses, a bill was ordered to be brought in to enact it; which was 465 prepared by Harcourt with so particular a contrivance, that it cut off all debates. The preamble was a recital of the articles as they were passed in Scot- 1707.

[x] (Talbot and Moore.)

[y] (Bishop Burnet was chairman of a committee of the whole house during the progress of the bill for the union. See Tindal's Continuation of Rapin's History of England, vol. IV. p. 785.)

[z] It was one of that great man's favourite points: there were many letters to him from the friends of the union in Scotland amongst his manuscript papers, by which it appeared how much his advice was relied upon through the whole course of the transaction. Amongst the burnt papers (*by the fire in Mr. C. Yorke's rooms*) were many bundles of letters from men of the first eminence in Scotland—Marchmont, Stair, Queensbury, &c.—about the union. H. (Compare a note by the speaker at p. 622, folio edit.)

1707. land, together with the acts made in both parliaments for the security of their several churches; and in conclusion, there came one enacting clause, ratifying all. This put those upon great difficulties, who had resolved to object to several articles, and to insist on demanding some alterations in them: for they could not come at any debate about them; they could not object to the recital, it being merely matter of fact; and they had not strength enough to oppose the general enacting clause, nor was it easy to come at particulars, and to offer provisos relating to them. The matter was carried on with such zeal, that it passed through the house of commons, before those who intended to oppose it had recovered themselves out of the surprise, under which the form it was drawn in had put them. It did not stick long in the house of lords, for all the articles had been copiously debated there for several days before the bill was sent up to them: and thus this great design, so long wished and laboured for in vain, was begun, and happily ended, within the compass of nine months [a]. The union was to commence on the first of May, and till that time the two kingdoms were still distinct, and their two parliaments continued still to sit.

The equivalent disposed of.

In Scotland they proceeded to dispose of the sum provided to be the equivalent: in this great partialities appeared, which were much complained of, but there was not strength to oppose them. The ministry, and those who depended on them, moved for very extravagant allowances to those who had

[a] Whilst the royal assent was given to the bill, the guns at the Tower were fired. For the Scotch Jacobite account of the union, see Lockhart's Memoirs. O.

been employed in this last and in the former treaty; 1707.
and they made large allotments of some public debts that were complained of as unreasonable and unjust, by which a great part of the sum was diverted from answering the end for which it was given. This was much opposed by the squadrone; but as the ministers promoted it, and those who were to get by it made all the interest they could to obtain it, (some few of them only excepted, who, as became generous patriots, shewed more regard to the public than to their private ends;) so those who had opposed the union were not ill pleased to see this sum so misapplied; hoping by that means, that the aversion, which they endeavoured to infuse into the nation against the union, would be much increased; therefore they let every thing go as the ministers proposed, to the great grief of those who wished well to the public[b]. It was resolved, that the parliament of England should sit out its period, which, by the law for triennial parliaments, ran yet 466
a year further; it was thought necessary to have another session continued of the same men who had made this union, since they would more readily consolidate and strengthen their own work. Upon this ground it seemed most proper, that the members to represent Scotland should be named by the parliament there: those who had opposed the union carried their aversion to the squadrone so far, that they concurred with the ministry in a nomination, in

[b] (Compare Somerville's History of Queen Anne, chap. x. pp. 222, 223, and Laing's History of Scotland, vol. IV. b. xii. pp. 368, 369, 383, 424—428. Sir George H. Rose has prefixed to the Marchmont Papers a Defence of the earl of Marchmont against the charge of being paid for his consent to the union.)

1707. which very few of them were included, not above three of the peers and fifteen commoners; so that great and just exceptions lay against many who were nominated to represent that kingdom: all this was very acceptable to those who had opposed the union. The customs of Scotland were then in a farm, and the farmers were the creatures of the ministry, some of whom, as was believed, were sharers with them: it was visible, that since there was to be a free trade opened between Scotland and England after the first of May, and since the duties in Scotland, laid on trade, were much lower than in England, that there would be a great importation into Scotland, on the prospect of the advantage that might be made by sending it into England. Upon such an emergency it was reasonable to break the farm, as had been ordinarily done upon less reason, and to take the customs into a new management, that so the gain to be made in the interval might go to the public, and not be left in private hands: but the lease was continued in favour of the farmers. They were men of no interest of their own, so it was not doubted, but that there was a secret practice in the case. Upon the view of the gain to be made by such an importation, it was understood, that orders were sent to Holland, and other places, to buy up wine, brandy, and other merchandise: and another notorious fraud was designed by some in England, who, because of the great drawback that was allowed for tobacco and other plantation commodities, when exported, were sending great quantities to Scotland, on design to bring them back after the first of May, that so they might sell them free of that duty: so a bill was offered to the house

of commons for preventing this. While this was going on, Harley proposed the joining another clause, to this effect; that all goods that were carried to Scotland after the first of February, (unless it were by the natural-born subjects of that kingdom, inhabiting in it,) in case they were imported into England after the first of May, should be liable to the English duties; and of this the proof was to lie on the importer. This angered all the Scotch, who raised a high clamour upon it, and said the union was broke by it; and that such a proceeding would 467 have very ill effects in Scotland: but the house of commons were so alarmed with the news of a vast importation, which was aggravated far beyond the truth, and by which they concluded the trade of England would greatly suffer, at least for a year or two, that they passed the bill, and sent it to the lords, where it was rejected; for it appeared plainly to them, that this was an infraction of some of the articles of the treaty. It was suggested, that a recess for some days was necessary, that so the commons might have an opportunity to prepare a bill, prohibiting all goods from being brought to England that had been sent out only in order that the merchants might have the drawback allowed. With this view the parliament was prorogued for a few days; but at their next meeting the commons were more inflamed than before; so they prepared a new bill, to the same effect, only in some clauses it was more severe than the former had been: but the lords did not agree to it, and so it fell [c].

1707.

Thus far I have carried on the recital of this great transaction, rather in such a general view as

[c] See antea p. 465. O.

1707. may transmit it right to posterity, than in so copious a narration as an affair of such consequence might seem to deserve: it is very probable, that a particular journal of the debates in the parliament of Scotland, which were long and fierce, may at some time or other be made public: but I hope this may suffice for a history. I cannot, upon such a signal occasion, restrain myself from making some reflections on the directions of Providence in this matter. It is certain, the design on Darien, the great charge it put the nation to, and the total miscarriage of that project, made the trading part of that kingdom see the impossibility of undertaking any great design in trade; and that made them the more readily concur in carrying on the union. The wiser men of that nation had observed long, that Scotland lay at the mercy of the ministry, and that every new set of ministers made use of their power to enrich themselves and their creatures at the cost of the public; that the judges being made by them, were in such a dependence, that since there are no juries allowed in Scotland in civil matters, the whole property of the kingdom was in their hands, and by their means in the hands of the ministers: they had also observed how ineffectual it had been to complain of them at court: it put those who ventured on it to a vast charge, to no other purpose but to expose them the more to the fury of the ministry. The poor noblemen and the poor boroughs made a great majority in their parliament, and were easily to be purchased
468 by the court: so they saw no hopes of a remedy to such a mischief but by an incorporating union with England. These thoughts were much quickened by the prospect of recovering what they had lost in

Reflections on the union.

that ill-concerted undertaking of Darien; and this 1707.
was so universal and so operative, that the design on Darien, which the Jacobites had set on foot and prosecuted with so much fury, and with bad intentions, did now engage many to promote the union, who, without that consideration, would have been at least neutral, if not backward in it. The court was engaged to promote the union on account of the act of security, passed in the year 1704, which was imputed chiefly to the lord treasurer: threatenings of impeaching him for advising it had been often let fall, and upon that his enemies had set their chief hopes of pulling him down; for though no proof could be brought of his counsel in it, yet it was not doubted but that his advice had determined the queen to pass it. An impeachment was a word of an odious sound, which would engage a party against him, and disorder a session of parliament; and the least ill effect it might have, would be to oblige him to withdraw from business, which was chiefly aimed at. The queen was very sensible, that his managing the great trust he was in, in the manner he did, made all the rest of her government both safe and easy to her; so she spared no pains to bring this about, and it was believed she was at no small cost to compass it; for those of Scotland had learned from England to set a price on their votes, and they expected to be well paid for them: the lord treasurer did also bestir himself in this matter with an activity and zeal that seemed not to be in his nature: and indeed all the application with which the court set on this affair, was necessary to master the opposition and difficulties that sprang up in the pro-

1707. gress of it[d]. That which completed all was the low state to which the affairs of France were reduced: they could neither spare men nor money to support their party, which otherwise they would undoubtedly have done: they had, in imitation of the exchequer notes here in England, given out mint bills to a great value; some said two hundred millions of livres: these were ordered to be taken by the subjects in all payments, as money to the full value, but were not to be received in payments of the king's taxes: this put them under a great discredit, and the fund created for repaying them not being thought a good one, they had sunk seventy per cent. This created an unexpressible disorder in all payments, and in the whole commerce of France: all the methods that were proposed for raising their credit had proved ineffectual; for they
469 remained, after all, at the discount of fifty-eight per cent. A court, in this distress, was not in a condition to spare much, to support such an inconsiderable interest as they esteemed their party in Scotland: so they had not the assistance which they promised themselves from thence. The conjuncture of all these things meeting together, which brought

[d] (Dr. Swift says, "I remember discoursing above six years ago with the most considerable person of the adverse party," (the name of lord Somers is properly added in the margin,) "and a great promoter of the union; he frankly owned to me, that this necessity brought upon us by the wrong management of the earl of Godolphin" (the passing the Scotch act of security is meant,) "was the only cause of the union." *Swift's Public Spirit of the Whigs*, p. 30. See also the 29th number of the Examiner, and Swift's *Memoirs relating to the Change in the Queen's Ministers*, page 8, with lord Dartmouth's note above at page 403, folio edit.)

this great work to a happy conclusion, was so remarkable, that I hope my laying it all in one view will be thought no impertinent digression. 1707.

This was the chief business of the session of parliament: and it was brought about here in England, both sooner and with less difficulty than was expected. The grant of the supplies went on quicker than was usual. There was only one particular to which great objections were made: upon the great and early success of the former campaign, it was thought necessary to follow that, with other projects, that drew on a great expense, beyond what had been estimated, and laid before the parliament. An embarkation, first designed against France, and afterwards sent to Portugal; and the extraordinary supplies that the duke of Savoy's affairs called for, amounted to about 800,000*l.* more than had been provided for by parliament. Some complained of this, and said, that if a ministry could thus run the nation into a great charge, and expect that the parliament must pay the reckoning, this might have very ill consequences. But to this it was answered, that a ministry deserved public thanks, that had followed our advantages with such vigour: if any thing was raised without necessity, or ill applied, under the pretence of serving the public, it was very reasonable to inquire into it, and to let it fall heavy on those who were in fault: but if no other exception lay to it, than because the matter could not be foreseen, nor communicated to the parliament before those accidents happened that occasioned the expense, it was a very unjust discouragement, if ministers were to be quarreled with for their care and zeal: so it was carried by a great majority to dis- The supplies were granted.

1707. charge this debt[e]. All the other supplies, and among them the equivalent for Scotland, were given, and lodged on good funds: so that no session of parliament had ever raised so much, and secured it so well, as this had done. The session came to a happy conclusion, and the parliament to an end. But the queen, by virtue of a clause in the act of union, revived it by proclamation. Upon this, many of the Scotch lords came up, and were very well received; two of them, Montrose and Roxburgh, were made dukes in Scotland; some of them were made privy counsellors in England; and a commission for a new
470 council was sent to Scotland: there appeared soon two different parties among the Scotch; some of them moved, that there should neither be a distinct government, nor a privy council continued there, but that all should be brought under one administration, as the several counties in England were; they said, the sooner all were consolidated, in all respects, into one body, the possibility of separating and disuniting them would be the sooner extinguished; this was pressed with the most earnestness by those who were weary of the present ministry, and longed to see their power at an end: but the ministry, who had a mind to keep up their authority, said, there was a necessity of preserving a show of greatness, and a form of government in those parts, both for subduing the Jacobites, and that the

[e] A dangerous practice, and to be well watched and examined into by the house of commons; but in this particular instance, and some others, there were some general words in the clauses of appropriation, that might authorize it: but such a power should be very cautiously given. In either case it is, in effect, allowing ministers to raise money without consent of parliament. O.

nation might not be disgusted by too sudden an alteration of outward appearances. The court resolved to maintain the ministry there, till the next session of parliament, in which new measures might be taken. Thus our affairs were happily settled at home, and the first of May was celebrated with a decent solemnity; for then the union took place. 1707.

The convocation sat this winter; and the same temper that had for some years possessed the lower house did still prevail among them: when the debates concerning the union were before the parliament, some in the lower house spoke very tragically on that subject: a committee was named, to consider of the present danger of the church, though but a little while before they had concurred with the bishops, in a very respectful address to the queen, in which it was acknowledged, that the church was, under her majesty's administration, in a safe and flourishing condition: this was carried, by the private management of some aspiring men amongst them, who hoped by a piece of skill to shew what they could do, that it might recommend them to farther preferment; they were much cried out on, as betrayers of their party, for carrying that address; so to recover their credit, and because their hopes from the court were not so promising, they resolved now to act another part. It was given out, that they intended to make an application to the house of commons against the union: to prevent that, the queen wrote to the archbishop, ordering him to prorogue them for three weeks: by this means that design was defeated; for before the end of the three weeks, the union had passed both houses. But, when one factious design failed, they found out another; they ordered a representation to Proceedings in convocation.

1707. be made to the bishops, which set forth, that ever since the submission of the clergy in Henry the VIIIth's time, which was for a course of one hundred and seventy-three years, no such prorogation had ever been ordered, during the sitting of parlia-
471 ment: and they besought the bishops, that, from the conscientious regard, which they doubted not they had for the welfare of this church, they would use their utmost endeavours that they might still enjoy those usages of which they were possessed, and which they had never misemployed: with this, they brought up a schedule, containing, as they said, all the dates of the prorogations, both of parliament and convocation, thereby to make good their assertion: and to cover this seeming complaint of the queen's proceedings, they passed a vote, that they did not intend to enter into any debate concerning the validity of the late prorogation, to which they had humbly submitted. It was found to be a strange and a bold assertion, that this prorogation was without a precedent: their charge, in the preserving their usages, on the consciences of the bishops, insinuated that this was a breach made on them: the bishops saw this was plainly an attempt on the queen's supremacy; so they ordered it to be laid before her majesty: and they ordered also a search to be made into the records. For though it was an undoubted maxim, that nothing but a positive law could limit the prerogative, which a non-usage could not do; yet they ordered the schedule, offered by the lower house, to be compared with the records: they found that seven or eight prorogations had been ordered, during the sitting of parliament, and there were about thirty or forty more, by which it

appeared, that the convocation sat sometimes before, and sometimes after a session of parliament, and sat sometimes even when the parliament was dissolved. Upon all this, the queen wrote another more severe letter to the archbishop, complaining of the clergy, for not only continuing their illegal practices, but reflecting on her late order, as without a precedent, and contrary to ancient usages; which, as it was untrue in fact, so it was an invasion of her supremacy: she had shewed much tenderness to the clergy, but if any thing of this nature should be attempted for the future, she would use means warranted by law for punishing offenders, how unwilling soever she might be to proceed to such measures. When the day came, on which this was to be communicated to the lower house, the prolocutor [f] had gone out of town, without so much as asking the archbishop's leave, so a very small number of the clergy appeared: upon this signal contempt, the archbishop pronounced him contumacious, and referred the further censuring him to the day he set for their next meeting: the prolocutor's party pressed him to stand it out, and to make no submission; but he had sounder advice given him, by some who understood the law better; so he made a full submission, with which the archbishop was satisfied: yet a party continued with great impudence to assert, that their schedule was true, and that the queen was misinformed, though the lord chancellor, made now a peer of England, and the lord chief justice Holt, had, upon perusal of the records, affirmed to the queen, that their assertion was false, 1707. 472

[f] (Dean Stanhope.)

1707. and that there were many precedents for such prorogations.

Affairs in Italy.

And now I must look abroad into foreign affairs. The French were losing place after place in Lombardy: Cremona, Mantua, and the citadel of Milan, were the only places that were left in their hands: it was not possible to maintain these long, without a greater force, nor was it easy to convey that to them. On the other hand, the reducing those fortresses was like to be a work of time, which would fatigue the troops, and would bring a great charge with it; so a capitulation was proposed for delivering up those places, and for allowing the French troops a free march to Dauphiny. As soon as this was sent to Vienna, it was agreed to, without communicating it to the allies, which gave just cause of offence: it was said in excuse, that every general had a power to agree to a capitulation; so the emperor, in this case, was not bound to stay for the consent of the allies. This was true, if the capitulation had been for one single place, but this was of the nature of a treaty, being of a greater extent: by this, the French saved ten or twelve thousand men, who must all have been, in a little time, made prisoners of war: they were veteran troops, and were sent into Spain, of which we quickly felt the ill effects.

The desigu was formed, for the following campaign, after this manner: the duke of Savoy undertook to march an army into France, and to act there as should be concerted by the allies: some proposed the marching through Dauphiny to the river of the Rhone, and so up to Lyons: but an attempt upon Toulon was thought the most important thing that

could be designed; so that was settled on. Mare- 1707.
schal Tessé was sent to secure the passes, and to cover France on that side. This winter the prince of Baden died, little esteemed, and little lamented; the marquis of Bareith had the command of the army on the Upper Rhine, from whom less was expected; he was so ill supported, that he could do nothing. The court of Vienna was so set on the reduction of Hungary, that they thought of nothing else: the Hungarians were very numerous, but they wanted both officers and discipline: Ragotzi had possessed himself of almost all Transilvania, and the Hungarians were so alienated from the emperor, that they were consulting about choosing a new king.

The eyes of all Europe were upon the king of 473
Sweden, who, having possessed himself of Saxony, And in Poland.
made king Augustus soon feel that now that his hereditary dominions were in his enemy's hands, he could no longer maintain the war in Poland: so a treaty was set on foot with such secrecy, that it was concluded before it was apprehended to be in agitation. King Augustus was only waiting for a fit opportunity, to disengage himself from his Polanders, and from the Muscovites; an incident happened that had almost imbroiled all again: the Polanders and Muscovites attacked a body of Swedes, at a great disadvantage, being much superior to them in number: so the Swedes were almost cut to pieces. King Augustus had no share in this, and did all that he durst venture on, to avoid it: he paid dear for it, hard conditions were put on him, to which the necessity of his affairs forced him to submit. He made all the haste he safely could, to get out of Poland: he resigned back their crown to

1707. them, and was contented with the empty name of king, though that seemed rather to be a reproach, than any accession of honour to his electoral dignity; he thought otherwise, and stipulated that it should be continued to him: he was at mercy, for he had neither forces nor treasure. It was thought the king of Sweden treated him with too much rigour, when he had so entirely mastered him: the other was as little pitied as he deserved to be, for by many wrong practices he had drawn all his misfortunes on himself. The king of Sweden being in the heart of Germany, in so formidable a posture, gave great apprehensions to the allies. The French made strong applications to him, but the courts of Prussia and Hanover were in such a concert with that king, that they gave the rest of the allies great assurances, that he would do nothing to disturb the peace of the empire, nor to weaken the alliance: the court of France pressed him to offer his mediation for a general peace; all the answer he gave was, that if the allies made the like application to him, he would interpose, and do all good offices in a treaty. So he refused to enter into any separate measures with France; yet the court of Vienna was under a great apprehension of his seeking matter for a quarrel with them. The czar at this time overrun Poland, so that king Stanislaus was forced to fly into Saxony, to the king of Sweden, for protection: both he and his queen stayed there all the winter, and a great part of this summer. The czar pressed the Polanders to proceed to the election of another king, but could not carry them to that; so it was generally believed, that they were resolved to come to a treaty with king Stanislaus, and to settle the quiet

of that kingdom, exhausted by a long and destructive war. The czar tried, if it were possible, to come to a peace with the king of Sweden, and made great offers in order to it; but that king was implacable, and seemed resolved to pull him down, as he had done king Augustus. That king's designs were impenetrable; he advised with few, and kept himself on great reserves with all foreign ministers, whom he would not suffer to come near him, except when they had a particular message to deliver. Our court was advised, by the elector of Hanover, to send the duke of Marlborough to him: it was thought this would please him much, if it had no other effect; so he went thither, but could gain no ground on him[g]. He affected a neglect of his person, both in clothes, lodging, and diet; all was simple, even to meanness; nay, he did not so much as allow a decent cleanliness: he appeared to have a real sense of religion, and a zeal for it, but it was not much enlightened: he seemed to have no notion of public liberty, but thought princes ought to keep their promises religiously, and to observe their treaties punctually: he rendered himself very acceptable to his army, by coming so near their way of living, and by his readiness to expose his own person, and to reward services done him: he had little tenderness in his nature, and was a fierce enemy, too rough, and too savage: he looked on foreign ministers as spies by their character, and treated them accordingly; and he used his own ministers rather

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The character of the king of Sweden.

[g] (See on the contrary lord Somerville's History of Queen Anne, ch. xi. p. 241.) Walpole's Letter, cited a little below, at p. 478, folio edit. and

1707. as instruments to execute his orders, than as counsellors.

Propositions for a peace.

The court of France finding they could not prevail on him, made a public application to the pope, for his mediating a peace: they offered the dominions in Italy to king Charles, to the States a barrier in the Netherlands, and a compensation to the duke of Savoy, for the waste made in his country; provided, that on those conditions king Philip should keep Spain and the West Indies. It was thought the court of Vienna wished this project might be entertained, but the other allies were so disgusted at it, that they made no steps toward it[h]: the court

[h] (Somerville, in his History of Queen Anne, makes the following impartial reflections on the overtures of the French for peace. "The various and persevering applications of the French king for peace, as well as the preliminaries which he suggested to the pope when soliciting his mediation, are certainly strong arguments for inducing the belief of his sincerity; while it is perfectly consistent with that belief, to admit that he wished to sow dissensions among the allied powers, as the most effectual means for procuring what he so eagerly desired, or for strengthening his own hands, if he failed in that object. His application, first to the Dutch, and afterwards to them and the English, exclusive of the emperor and the duke of Savoy, and lastly to the pope, as the common father of the church, might very naturally infuse into the breast of the allies a suspicion of artifice and ill designs; but the admission of this will not be considered, by the impartial inquirer, as a sufficient ground for the exculpation of those ministers, who, abruptly and peremptorily, rejected proposals, which might have been improved for the accomplishment of an equitable and lasting pacification. The English ministers discovered an anxiety to conceal every thing relative to this business from the notice and investigation of the public: they would not so much as permit the preliminaries offered by Lewis, to enter into any of the newspapers; which certainly afforded just ground for suspecting, either that they were doubtful of the propriety of their own conduct, or secretly conscious of

of Vienna did what they could to confound the designs of this campaign; for they ordered a detachment of 12,000 men to march from the army in Lombardy to the kingdom of Naples. The court of England, the States, and the duke of Savoy, studied to divert this, with the warmest instances possible, but in vain: though it was represented to that court, that if the duke of Savoy could enter into Provence, with a great army, that would cut off all supplies and communication with France: so that success in this great design would make Naples and Sicily fall into their hands of course; but the imperial court was inflexible: they pretended, they had given their party in Naples such assurances of an invasion, that if they failed in it, they exposed them all to be destroyed, and thereby they might provoke the whole country to become their most inveterate enemies. Thus they took up a resolution, without consulting their allies, and then pretended that it was fixed, and could not be altered. 1707. 475

The battle of Almanza.

The campaign was opened very fatally in Spain: king Charles pretended, there was an army coming into Catalonia from Roussillon; and that it was necessary for him to march into that country: the dividing a force, when the whole together was not equal to the enemy's, has often proved fatal: he

" acting from other motives, " than those which referred, " purely, to the interest of the " nation. Salmon, vol. XXV. " p. 390." *Somerville*, ch. xi. p. 234. Macpherson observes, " that the whigs, who were " now possessed of the whole " power of the government in " England, insulted common " sense in the reason which " they gave for rejecting the " proposed peace. They said, " the terms offered by France " were too good to be the foun- " dation of a lasting tranquil- " lity, (Hanov. papers 1707,) " and therefore, that they ought " not to be admitted." *Hist. of Great Britain*, vol. II. p. 363.)

1707. ought to have made his army as strong as possibly he could, and to have marched with it to Madrid; for the rest of Spain would have fallen into his hands, upon the success of that expedition. But he persisted in his first resolution, and marched away with a part of the army, leaving about 16,000 men under the earl of Galway's command. They had eaten up all their stores in Valentia, and could subsist no longer there; so they were forced to break into Castile: the duke of Berwick came against them with an army not much superior to theirs: but the court of France had sent the duke of Orleans into Spain, with some of the best troops that they had brought from Italy; and these joined the duke of Berwick a day before the two armies engaged. Some deserters came over, and brought the earl of Galway the news of the conjunction; but they were not believed, and were looked on as spies, sent to frighten them. A council of war had resolved to venture on a battle, which the state of their affairs seemed to make necessary: they could not subsist where they were, nor be subsisted if they retired back into Valentia; so on the 14th of April, the two armies engaged in the plain of Almanza. The English and Dutch beat the enemy, and broke through twice; but the Portugueze gave way: upon that the enemy, who were almost double in number, both horse and foot, flanked them, and a total rout followed, in which about 10,000 were killed or taken prisoners. The earl of Galway was twice wounded; once so near the eye, that for some time it put him out of a capacity of giving orders: but at last he, with some other officers, made the best retreat they could. Our fleet came happily on

that coast on the day that the battle was fought; 1707.
so he was supplied from thence, and he put garrisons into Denia and Alicant, and retired to the Ebro, with about 3000 horse, and almost as many foot. The duke of Orleans pursued the victory; Valentia submitted, and so did Saragoza; so that the principality of Catalonia was all that remained in king Charles's obedience. The king of Portugal 476
died this winter, but that made no great change in affairs there: the young king agreed to every thing that was proposed to him by the allies; yet the Portugueze were under a great consternation, their best troops being either cut off, or at that time in Catalonia.

Marshal Villars was sent to command in Alsace: he understood that the lines of Stolhoven were ill kept, and weakly manned; so he passed the Rhine, and without any loss, and very little opposition, he broke through, and seized on the artillery, and on such magazines as were laid in there. Upon this shameful disgrace, the Germans retired to Hailbron: the circle of Suabia was now open, and put under contribution; and Villars designed to penetrate as far as to Bavaria. The blame of this miscarriage was laid chiefly on the imperial court, who neither sent their quota thither, nor took care to settle a proper general for the defence of the empire. In Flanders the French army, commanded by the duke of Vendome, came and took post at Gemblours, in a safe camp; the duke of Marlborough lay at Meldert in a more open one: both armies were about 100,000 strong; but the French were rather superior to that number.

In the month of June, the design upon Toulon

1707. began to appear: the queen and the States sent a strong fleet thither, commanded by sir Cloudesly Shovel; who, from mean beginnings, had risen up to the supreme command; and had given many proofs of great courage, conduct, and zeal, in the whole course of his life. Prince Eugene had the command of the imperial army, that was to second the duke of Savoy in this undertaking, upon the success of which the final conclusion of the war depended. The army was not so strong as it was intended it should have been: the detachment of 12,000 men was ordered to march to Naples; and no applications could prevail at the court of Vienna, to obtain a delay in that expedition: there were also eight or ten thousand recruits, that were promised to be sent to reinforce prince Eugene, which were stopped in Germany; for the emperor was under such apprehensions of a rupture with Sweden, that he pretended it was absolutely necessary, for his own safety, to keep a good force at home. Prince Eugene had also orders, not to expose his troops too much; by this means they were the less serviceable: notwithstanding these disappointments, the duke of Savoy, after he had for some weeks covered his true design, by a feint upon Dauphiny, by which he drew most of the French troops to that side; as soon as he heard that the confederate fleet was come upon the coast, he made a very quick march through
477 ways that were thought impracticable, on to the river Var, where the French had cast up such works, that it was reckoned these must have stopped his passing the river: and they would have done it effectually, if some ships had not been sent in from the fleet into the mouth of the river, to at-

tack these where there was no defence; because no attack from that side was apprehended. By this means they were forced to abandon their works, and so the passage over the river was free: upon this, that duke entered Provence, and made all the haste he could towards Toulon. The artillery and ammunition were on board the fleet, and were to be landed near the place, so the march of the army was as little encumbered as was possible; yet it was impossible to advance with much haste in an enemy's country, where the provisions were either destroyed or carried into fortified places, which, though they might have easily been taken, yet no time was to be lost in executing the great design; so this retarded the march for some days: yet in conclusion they came before the place, and were quickly masters of some of the eminences that commanded it. At their first coming, they might have possessed themselves of another, called St. Anne's hill, if prince Eugene had executed the duke of Savoy's orders: he did it not, which raised a high discontent; but he excused himself, by shewing the orders he had received, not to expose the emperor's troops. Some days were lost by the roughness of the sea, which hindered the ships from landing the artillery and ammunition. In the mean while, the troops of France were ordered to march from all parts to Toulon: the garrison within was very strong; the forces that were on their march to Spain, to prosecute the victory of Almanza, were countermanded; and so great a part of Villars's army was called away, that he could not make any further progress in Germany. So that a great force was, from all hands, marching to raise this siege; and it was declared, in the court of 1707.

1707. France, that the duke of Burgundy would go and lead on the army. The duke of Savoy lost no time, but continued cannonading the place, while the fleet came up to bombard it: they attacked the two forts that commanded the entrance into the mole with such fury, that they made themselves masters of them; but one of them was afterwards blown up. Those within the town were not idle: they sunk some ships in the entrance into the mole, and fired furiously at the fleet, but did them little harm: they beat the duke of Savoy out of one of his most important posts, which was long defended by a gallant prince of Saxe-Gotha; who, not being supported in time, was cut to pieces. This post was afterwards regained, and the fleet continued for some days to
478 bombard the place. But in the end, the duke of Savoy, whose strength had never been above 30,000 men, seeing so great a force marching towards him, who might intercept his passage, and so destroy his whole army; and there being no hope of his carrying the place, found it necessary to march home in time: which he did with so much order and precaution, that he got back into his own country without any loss; and soon after his return, he sat down before Suza, and took it in a few weeks. Our fleet did all the execution they could on the town: their bombs set some places on fire, which they believed were magazines; for they continued burning for many hours[i]; in conclusion, they sailed off: they

It failed in the execution.

[i] ("The forces having made "way for the men of war "and bomb vessels to advance "as far as possible, the bom- "bardment was so furious and "effectual for a night and a "day, that half the town, most "of the magazines, and naval "stores, and the best of the "shipping in the harbour were "destroyed." Oldmixon's *Hist. of These Reigns*, p. 393, where

left behind them a fleet of six and twenty ships in the Mediterranean, and the great ships sailed homewards. Thus this great design, on which the eyes of all Europe were set, failed in the execution, chiefly by the emperor's means: England and the States performed all that was expected of them, nor was the duke of Savoy wanting on his part; though many suspected him as backward, and at least cold in the undertaking [k]. It was not yet perfectly un- 1707.

the names of the eight French ships destroyed, are added.)

[k] It has been said, that he was bought off by the French for 200,000*l*. These things are very apt to be reported, when expected good success does not happen. O. ("A remarkable "anecdote came out afterwards, which accounted for "this extraordinary miscarriage. The duke of Marlborough, before the opening of "the campaign this year, made "the king of Sweden a visit in "Saxony; and there is no doubt "but that by his address he "gained so far upon the enterprising genius of that prince, "or rather upon his chief minister, as to divert him from "taking any part with France "against the grand alliance. "However it seems, when the "design against Toulon was "discovered, the French and "Bavarian ministers, who attended his Swedish majesty, "prevailed upon him, by the "influence of count Piper, to "cause insinuations to be made "in great secrecy to the duke "of Savoy, not to persist in "the siege of Toulon, intimating, that if that town was "taken, he, the king of Swe"den, should be obliged to en"ter into the hereditary coun"tries of the emperor. The "consideration of the fatal con"sequences to the common "cause, with which such an "attempt might be attended, "made his royal highness pre"fer the public good to his "own glory, and was the secret "reason, Lamberti says, (Memoires, vol. IV. p. 569,) for "raising the siege of Toulon. "The same author adds, that "the public, which remained "in ignorance for many years, "may imagine, that this anec"dote is pure invention; but "that the duke of Savoy him"self is a voucher for the truth "of it, having been pleased to "declare it to several persons of "character and credit." *Lord Walpole of Woolterton's Answer to the latter Part of Lord Bolingbroke's Letters on History*, Let. vii. page 154. Compare Swift's Conduct of the Allies, p. 145, with bishop Hare's Answer, both cited by Tindal in his Continuation of Rapin's History, vol. V. p. 29. See also Campbell's Lives of the Admirals, vol. IV. p. 26—30.)

1707. derstood what damage the French sustained: many of their ships were rendered unserviceable, and continue to be so still: nor did they set out any fleet all the following winter; though the affairs of king Charles in Spain were then so low, that if they could have cut off the communication by sea, between Italy and Spain, they must soon have been masters of all that was left in his hands: so that from their fitting out no fleet at Toulon, it was concluded that they could not do it. When the design upon Toulon was broke, more troops were sent into Spain: the earl of Galway did, with incredible diligence and activity, endeavour to repair the loss at Almanza, as much as was possible: the supplies and stores that he had from our fleet put him in a capacity to make a stand; he formed a new army, and put the strong places in the best posture he could; Lerida was the most exposed, and so was the best looked to; Tortosa, Tarragona, and Gironne, were also well fortified, and good garrisons were put in them. The attempt on Toulon, as it put a stop to all the motions of the French, so it gave him time to put the principality of Catalonia in a good state of defence. The duke of Orleans, being reinforced with troops from France, sat down before Lerida, in the end of September, with an army of 30,000 men: the place was commanded by a prince of Hesse, who held out above forty days: after some time, he was forced to abandon the town, and to retire into the castle; the army suffered much in this long siege. When the besieged saw how long they could hold out, they gave the earl of Galway notice, upon which he intended to have raised the siege; and if the king of Spain would have con-

The siege of Lerida.

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sented to his drawing out of the other garrisons such a force as might have been spared, he undertook to raise it, which was believed might have been easily done: and if he had succeeded, it would have given a new turn to all the affairs of Spain. But count Noyelles, who was well practised in the arts of flattery, and knew how much king Charles was alienated from the earl of Galway, for the honest freedom he had used with him, in laying before him some errors in his conduct, set himself to oppose this, apprehending that success in it would have raised the earl of Galway's reputation again, which had suffered a great diminution by the action of Almanza: he said, this would expose the little army they had left them to too great a hazard; for if the design miscarried, it might occasion a revolt of the whole principality. Thus the humours of princes are often more regarded than their interest; the design of relieving Lerida was laid aside. The French army was diminished a fourth part, and the long siege had so fatigued them, that it was visible, the raising it would have been no difficult performance; but the thoughts of that being given over, Lerida capitulated in the beginning of November: the Spaniards made some feeble attempts on the side of Portugal, with success, for little resistance was made; the Portuguese excusing themselves by their feebleness, since their best troops were in Catalonia. 1707.

Relief sent to Spain.

King Charles, finding his affairs in so ill a condition, wrote to the emperor, and to the other allies, to send him supplies with all possible haste: Stanhope was sent over, to press the queen and the States to despatch these the sooner. At the end of the cam-

1707. paign in Italy, 7000 of the imperial troops were prepared to be sent over to Barcelona: and these were carried in the winter, by the confederate fleet, without any disturbance given them by the French. Recruits and supplies of all sorts were sent over from England, and from the States, to Portugal. But while the house of Austria was struggling with great difficulties, two pieces of pomp and magnificence consumed a great part of their treasure: an embassy was sent from Lisbon to demand the emperor's sister for that king, which was done with an unusual and extravagant expense: a wife was to be sought for king Charles among the protestant courts, for there was not a suitable match in the popish courts: he had seen the princess of Anspach, and was much taken with her[l]: so that great applications were made to persuade her to change her religion, but she could not be prevailed on to buy a crown at so dear a rate[m]: and soon after she was married to the prince electoral of Brunswick, which gave a glorious character of her to this nation; and her pious firmness is like to be rewarded, even in this life, by a much better crown than that which she rejected[n].

[l] She was then very handsome, as I have heard from many who saw her at that time. O.

[m] (It may be observed, that king Charles's Spanish crown was at this period no great object of ambition.)

[n] She retained a great respect for him, and was always a friend to him here. She was a very wise woman in what she knew: was an excellent wife and mother: had an high sense of religion, and carried her state and dignity with ease and decency. I had frequent occasions to observe all this, having been her chancellor several years, and to the time of her death. She was very generous, and particularly so in her charities; without the least appearance of ostentation. This I also knew: she was much set upon making the king and his family acceptable to the nation, and to fix their establishment here; with respect to which, I have been told, she had sometimes very anxious thoughts,

The princess of Wolfenbutle was not so firm; so she was brought to Vienna, and some time after was married by proxy to king Charles, and was sent to Italy, in her way to Spain. The solemnity with 1707.

(perhaps from the fearfulness of her nature, and her passions in it, which however she had generally the skill to conceal.) She was remarkably strict in her behaviour, with regard to all points of virtue and decorum, so that she never went or suffered her daughters to go to masquerades, although then too much the fashion; and, by her example at least, endeavoured to discountenance them. Her hours of leisure were employed in conversations with some of our learned men, especially with the famous Dr. Clarke; whom she once had prevailed with the king to have made archbishop of Canterbury, upon the then expected death of archbishop Wake. She had imbibed Dr. Clarke's notions of the Trinity, and liked best to converse with those who were of the same sentiments; sir Isaac Newton, &c.&c.&c.: from whom she acquired a good deal of knowledge in many things, and spoke well upon them all. Her last illness was lingering and painful, which she bore with great patience and resignation. Her death affected the king beyond any thing I ever saw, or, I believe, ever happened on the like occasion: it is scarcely to be described. I saw him twice in this mournful condition: once when the house of commons presented their address of condolence to him, (which should have been shorter, and of another cast, but ——,) and the other time was when I delivered her great seal to him in his closet. In a word, her errors were few and pardonable: they hurt nobody; and they were so much overbalanced by her good and great qualities, that they ought to be forgotten. This justice I thought due from me to the memory of this excellent queen, because of the many obligations I had to her—none of interest or profit. She indeed offered me, and pressed me to take an additional salary of a thousand pounds a year, which I declined, and had no other benefit but the old salary of fifty pounds a year. Upon her death I had as my fee, the rich purse and velvet bag belonging to her seal; and the king gave me the seal itself, which I converted into a piece of plate, and presented it to the town of Kingston in honour of her memory. I had also from herself the cornelian seal set in gold, which was used as her public seal till the great one could be made. O. She was the great protectress and encourager of Arianism in this kingdom. *Cole's MS. Note.* (Dr. Clarke acted like himself, with integrity, and with more consistency than the *Fidei defensores*, his patrons, when he declined accepting their preferment.)

1707. which these matters were managed, in all this distress of their affairs, consumed a vast deal of treasure; for such was the pride of those courts on such occasions, that, rather than fail in a point of splendour, they would let their most important affairs go to wreck. That princess was landed at Barcelona: and the queen of Portugal the same year came to Holland, to be carried to Lisbon by a squadron of the English fleet.

The conquest of Naples.

But while matters were in a doubtful state in Spain, the expedition to Naples had all the success that was expected: the detachment from Lombardy marched through the ecclesiastical state, and struck no small terror into the court of Rome, as they passed near it: it was apprehended, some resistance would have been made in Naples by those who governed there under king Philip; but the inbred hatred the Neapolitans bore the French, together with the severities of their government, had put that whole kingdom into such a disposition to revolt, that the small party which adhered to king Philip found it not advisable to offer any resistance, so they had only time enough to convey their treasure and all their richest goods to Cayeta, and to retire thither: they reckoned, they would either be relieved from France by sea, or obtain a good capitulation; or if that failed, they had some ships and galleys in which they might hope to escape. The imperialists took possession of Naples, where they were received with great rejoicings: their ill conduct quickly moderated that joy, and very much disposed the Neapolitans to a second revolt: but upon applications made to the courts of Vienna and Barcelona, the excesses of the imperialists, who car-

ried their ravenous dispositions with them whereso- 1707.
ever they went, were somewhat corrected, so that they became more tolerable. As soon as a government could be settled at Naples, they undertook the siege of Cayeta, which went on at first very slowly; so that those within seemed to apprehend nothing so much as the want of provisions, upon which they sent the few ships they had to Sicily, to bring them supplies for all they might want: when these were sent away, the imperialists, knowing what a rich booty was lodged in the place, pressed it very hard, and in conclusion took it by storm; and so were masters of all the wealth that was in it: the garrison retired into the castle, but they were soon after 481
forced to surrender, and were all made prisoners of war. It was proposed to follow this success with an attempt upon Sicily: but it was not easy to supply Naples with bread; nor was our fleet at liberty to assist them, for they were ordered to lie on the coast of Spain, and to wait there for orders: when these arrived, they required them to carry the marquis das Minas and the earl of Galway, with the forces of Portugal, to Lisbon; which was happily performed: and the earl of Galway found the character and powers of an ambassador lying for him there. The thoughts of attempting Sicily were therefore laid aside for this time; though the Sicilians were known to be in a very good disposition to entertain it. A small force was sent from Naples to seize on those places which lay on the coast of Tuscany, and belonged to the crown of Spain; some of them were soon taken, but Porto Longone and Port Hercole made a better resistance: this was the state of affairs

1707. in Italy and Spain all this year, and till the opening of the campaign the next year.

Affairs on the Rhine.

Villars continued in Germany, laying Suabia under heavy contributions; and very probably he would have penetrated into Bavaria, if the detachments he was ordered to send away had not so weakened his army, that he durst not venture further, nor undertake any considerable siege. While the empire was thus exposed, all men's eyes turned towards the elector of Brunswick, as the only person that could recover their affairs out of those extremities into which they were brought: the emperor pressed him to accept of the supreme command; this was seconded by all the allies, but most earnestly by the queen and the States: the elector used all the precaution that the embarking in such a design required, and he had such assurances of assistance, from the princes and circles, as he thought might be depended upon; so he undertook the command: his first care was to restore military discipline, which had been very little considered or submitted to for some years past; and he established this with such impartial severity, that the face of affairs there was soon changed: but the army was too weak, and the season was too far spent, to enter on great designs. One considerable action happened, which very much raised the reputation of his conduct: Villars had sent a detachment of 3000 horse and dragoons, either to extend his contribution, or to seize on some important post; against these the elector sent out another body, that fell upon the French, and gave them a total defeat; in which 2000 of them were cut off; soon after that, Villars retired back

to Strasbourg, and the campaign in those parts ended. 1707.

I will take in here a transaction, that lay not far from the scene of action. There was, all this summer, a dispute at Neufchastel, upon the death of the old duchess of Nemours, in whom the house of Longueville ended: she enjoyed this principality, which, since it lay as a frontier to Switzerland, was on this occasion much considered. There were many pretenders of the French nation; the chief was the prince of Conti: all these came to Neufchastel, and made their application to the States of that country, and laid their several titles before them: the king of France seemed to favour the prince of Conti most: but yet he left it free to the States, to judge of their pretensions, provided they gave judgment in favour of one of his subjects; adding severe threatenings, in case they should judge in behalf of any other pretender. The king of Prussia, as heir by his mother to the house of Chaalons, claimed it as his right, which the late king [o] had, by a particular agreement, made over to him; so he sent a minister thither, to put in his claim: and the queen and the States ordered their ministers in Switzerland to do their best offices, both for advancing his pretensions, and to engage the cantons to maintain them; the king of Sweden wrote also to the cantons to the same effect. The allies looked on this as a matter of great consequence; since it might end in a rupture between the protestant cantons and France; for the popish cantons were now wholly theirs. After much pleading and a long dispute, the States of the principality gave judgment in favour of the king of Prus- 482 The king of Prussia judged prince of Neufchastel.

[o] (Of Prussia.)

1707. sia; the French pretenders protested against this, and left Neufchastel in a high discontent: the French ambassador threatened that little state with an invasion, and all commerce with them was forbid: the canton of Bern espoused their concern with a spirit and zeal that was not expected from them: they declared they were in a comburghership with them; and upon that they sent a body of 3000 men to defend them. The French continued to threaten, and Villars had orders to march a great part of his army towards them; but when the court of France saw that the cantons of Bern and Zurick were not frightened with those marches, they let the whole matter fall, very little to their honour: and so the intercourse between the French dominions and that State was again opened, and the peace of the cantons was secured. The king of Prussia engaged his honour, that he would govern that state with a particular zeal, for advancing both religion and learning in it; and upon these assurances he persuaded the bishops of England, and myself in particular, to use our best endeavours to promote his pretensions; upon which
483 we wrote, in the most effectual manner we could, to Mons. Ostervald, who was the most eminent ecclesiastic of that state, and one of the best and most judicious divines of the age: he was bringing that church to a near agreement with our forms of worship[p]: the king of Prussia was well set in all matters relating to religion; and had made a great step, in order to reconcile the Lutherans and the Calvinists in his dominions, by requiring them not to preach to the people on those points in which they differ; and by

[p] (Their form of Common Prayer had been published in English in 1693, with the approbation of six of our bishops.)

obliging them to communicate together, notwithstanding the diversity of their opinions [q]: which is indeed the only wise and honest way to make up that breach. 1707.

The king of Sweden gets the protestant churches in Silesia to be restored to them.

The affinity of the matter leads me next to give an account of the differences between the king of Sweden and the court of Vienna: that king, after he had been a very heavy guest in Saxony, came to understand that the protestants in Silesia had their churches and the free exercise of their religion stipulated to them by the peace of Munster, and that the crown of Sweden was the guarantee for observing this: these churches were taken from them; so the king of Sweden was in justice bound to see to the observing of that article; he very readily embraced this opportunity, which had been long neglected or forgotten by his father. When this was first represented to the court of Vienna, it was treated there with much scorn: and count Zabor, one of the ministers of that court, spoke of the king of Sweden in a style, that he thought furnished him with a just pretension to demand, that he should be sent to him, to be punished as he thought fit: this was soon yielded; the count was sent to the king, and made such an humble submission to him as was accepted: but the demand for restoring the churches was a matter of hard digestion to a bigoted and haughty court. The king of Sweden had a great army at hand, and he threatened an immediate rupture, if this demand was not agreed to without delay: in this he was so positive, that the imperial court at

[q] (Obliging them to communicate together, if church communion is here intended, was a way not very reconcilable with religious liberty and the rights of conscience.)

1707. last yielded, they being then in no condition to resist a warlike prince and an army, hardened by an exact discipline, and the fatigues of a long war: so that every thing that was demanded, pursuant to that article of the treaty of Munster, was agreed to be performed within a prefixed time: and upon that the king of Sweden marched his army, under the most regular discipline, through Silesia, as had been agreed, into Poland. The Jesuits made great opposition to the performance of what had been stipulated; but the imperial court would not provoke a prince, who they thought was seeking a colour to break with them: so, by the day prefixed, all the churches were restored to the protestants in Silesia.

484 Upon this he was highly magnified, and great endeavours were again used, to engage him in the alliance; but he was so set against the czar, whom he designed to dethrone, that nothing could then divert him from it: yet he so far entered into the interests of religion, that, as he wrote to the king of France, desiring him not to oppose the king of Prussia, in his pretensions on Neufchastel; he also wrote to the cantons, desiring them to promote and support them. The cantons seeing those characters of zeal in him, sent a French gentleman of quality to him, the marquis de Rochegude, to let him know what regard they had to his recommendations, and to desire him to interpose his good offices with the king of France, for setting at liberty about three hundred persons, who were condemned to the galleys, and treated most cruelly in them, upon no other pretence, but because they would not change their religion, and had endeavoured to make their escape out of France: he received this message with a particular civility,

and immediately complied with it; ordering his minister at the court of France, to make it his desire to that king, that these confessors might be delivered to him: but the ministers of France said, that was a point of the king's government at home, in which he could not suffer foreign princes to meddle: he seemed sensible of this neglect, and it was hoped, that when his affairs could admit of it, he would express a due resentment of it. 1707.

To end all the affairs of Germany, for this year, at once; I must mention a quarrel, raised in Hamborough, between some private persons, one of whom was a Lutheran minister; which created a great division in that city. One side was protected by the senate, which gave so great a disgust to the other side, that it was like to end in a revolt against the magistrates, and a civil war within the town: and it being known that the king of Denmark had, for many years, had an eye on that place, the neighbouring princes apprehended, that he might take advantage from those commotions, or that the weaker side might choose rather to fall under his power than under the revenges of the adverse party. The kings of Sweden and Prussia, with the house of Brunswick, resolved therefore to send troops thither to quiet this distraction, and to chastise the more refractory; while the emperor's ministers, together with the queen's, endeavoured to accommodate matters, without suffering them to run to extremities. A sedition in Hamborough.

It remains, that I give an account of the campaign in Flanders: the French kept close within their posts; though the duke of Marlborough often drew out his troops, to see if that could provoke them: but they were resolved not to fight on equal The campaign in Flanders. 485

1707. terms; and it was not thought advisable to attempt the forcing their posts: they lay for some months looking on one another; but both armies had behind them such a safe and plentiful conveyance of provisions, that no want of any sort could oblige either side to dislodge. The duke of Vendome had orders to send detachments to reinforce mareschal Villars, in lieu of those detachments that he had been ordered to send to Provence. The duke of Savoy seemed to wonder that the confederates lay so quiet, and gave the duke of Vendome no disturbance; and that they could not, at least, oblige him to keep all his army together: at last the duke of Marlborough decamped, and moved towards French Flanders: the French decamped about the same time, but lodged themselves again in such a safe camp, that he could not force them into any action: nor was his army so numerous as to spare a body to undertake a siege, by that means to draw them to a battle; so that the campaign was carried on there in a very inoffensive manner on both sides: and thus matters stood in the continent every where this season.

Affairs at sea.

France set out no fleet this year, and yet we never had greater losses on that element: the prince's council was very unhappy in the whole conduct of the cruizers and convoys: the merchants made heavy complaints, and not without reason: convoys were sometimes denied them; and when they were granted, they were often delayed beyond the time limited for the merchants to get their ships in readiness: and the sailing orders were sometimes sent them so unhappily, (but as many said, so treacherously,) that a French squadron was then laying in their way to intercept them. This was liable to very severe re-

flections: for many of the convoys, as well as the merchant ships, were taken: and to complete the misfortunes of our affairs at sea, this year, when sir Cloudesly Shovel was sailing home with the great ships, by an unaccountable carelessness and security, he, and two other capital ships, ran foul upon those rocks, beyond the Land's End, known by the name of the Bishop and his Clerks; and they were in a minute broke to pieces; so that not a man of them escaped. It was dark, but there was no wind, otherwise the whole fleet had perished with them: all the rest tacked in time, and so they were saved. Thus one of the greatest seamen of the age was lost, by an error in his own profession, and a great misreckoning; for he had lain by all the day before, and set sail at night, believing, that next morning he would have time enough to guard against running on those rocks; but he was swallowed up within three hours after. 1707.

This was the state of our affairs abroad, both by sea and land. Things went at home in their ordinary channels: but the conduct, with relation to Scotland, was more unaccountable: for whereas it might have been reasonably expected, that the management of the newly united part of this island should have been particularly taken care of, so as to give no just distaste to the Scots, nor offer handles to those who were still endeavouring to inflame that nation, and to increase their aversion to the union: things were, on the contrary, so ordered, as if the design had been to contrive methods to exasperate the spirits of the people there. Though the management of the Scotch revenue was to fall into the lord treasurer's hands on the first of May, no care 486 Proceedings with relation to Scotland.

1707. was taken to have all the commissions ready at the day, with new officers to serve in them: so that the whole trade of Scotland was stopped for almost two months, for want of orders to put it into the new course, in which it was to be carried on. Three months passed, before the equivalent was sent to Scotland: and when wines and other merchandise were imported into England from thence, seizures were every where made; and this was managed with a particular affectation of roughness [r]. All these things heightened the prejudices with which that nation had been possessed against the union: it was also known, that many messages passed between Scotland and France; and that there were many meetings and much consultation among the discontented party there; a great body appeared openly for the pretended prince of Wales, and celebrated his birthday very publicly, both at Edinburgh, and in other places of the kingdom: and it was openly talked, that there was now an opportunity that was not to be lost of invading the kingdom, though with a small force; and that a general concurrence from the body of that nation might be depended on: these things were done in so barefaced a manner, that, no check being given to them, nor inquiry made after them, by those who were in the government, it gave occasion to many melancholy speculations. The management from England looked like a thing concerted to heighten that distemper; and the whole conduct of the fleet afforded great cause of jealousy.

[r] The bishop has described this almost inexcusable negligence in the manner it deserves, and the lord treasurer seems the most blameable in it. It is so bad, that one would imagine it was impossible, (considering who was the treasurer,) that it should happen but from some unavoidable accidents. O.

But to open this as clearly as it has yet appeared to me, I must give an account of a new scene at court. It was observed, that Mr. Harley, who had been for some years secretary of state, had gained great credit with the queen, and began to set up for himself, and to act no more under the direction of the lord treasurer: there was one of the bedchamber women, who, being nearly related to the duchess of Marlborough, had been taken care of by her, together with her whole family, (for they were fallen low,) in a most particular manner. She brought her not only into that post, but she had treated her with such a confidence, that it had introduced her into a high degree of favour with the queen: which, for some years, was considered as an effect of the duchess of Marlborough's credit with her; she was also nearly related to Mr. Harley; and they two entered into a close correspondence. She learned the arts of a court, and observed the queen's temper with so much application, that she got far into her heart: and she employed all her credit to establish Harley in the supreme confidence with the queen, and to alienate her affections from the duchess of Marlborough, who studied no other method of preserving her favour, but by pursuing the true interest of the queen and of the kingdom [s]. It was said, 1707. A new party at court. 487

[s] How she was then, and had been before, I am not a judge. But after she had lost the prudent advice of, and checks of her temper by the earl of Godolphin, and of perhaps her husband too, and when she was left to herself, with a mighty fortune of her own, she gave vent to all the violence of her natural temper, and her talk and actings, in the latter part of her life, were like the rage of madness, especially against the royal family, and her old and best friends. She had no true wisdom or greatness of mind, and was in truth a very weak passionate woman. Her letters (of which I have several from

1707. that the prince was brought into the concert, and that he was made to apprehend that he had too small a share in the government, and that he was shut out from it by the great power that the duke of Marlborough and the lord treasurer had drawn into their hands: it was said, all depended on them, that the queen was only a cipher in the government, that she was in the duchess of Marlborough's hands, as her affairs were in the duke of Marlborough's: it was likewise talked among those who made their court to the new favourites, that there was not now a Jacobite in the nation, that all were for the queen,

her) were the best of her performances. She spoke ill; and her Memoirs are very mean. I was sometimes in her favour, and I endeavoured to shew her all the respect I could, for she had starts of goodness and generosity which were very commendable. There have been people who believed that the duke and she had at one time some views towards the crown, and the queen (Caroline) did once say to me, that the reason of the duchess of Marlborough's animosity against her was, (it was said at court,) that, (these were her words,) "I am mis-"tress of this house, and she "not." The words struck me at the time as alluding to the crown; but I have since thought, and am most inclined to believe, that the queen meant only the same ascendency in the duchess over her, as she, the duchess, had over queen Anne, which it is certain she aimed at, but failed in, upon the accession of this family. Whatever this anger arose from, it shewed itself in several little spiteful acts towards the queen, and with some indecency in the manner. O. (How her grace had behaved to queen Anne, let lord Walpole of Woolterton tell, one engaged on the same side in politics as the duchess herself. "The hu-"moursome and ungrateful car-"riage (he says) of one proud "woman towards her friend, "her mistress, and her sove-"reign, gave a few ambitious "and unskilful persons an op-"portunity of getting, in the "midst of this career of glory "and success against the com-"mon enemy, the rigens of go-"vernment into their hands." *Answer to Part of Lord Bolingbroke's Letters on the Study of History*, Let. viii. p. 171. See also lord Dartmouth's note below, at p. 547. But the insolence of this woman is best pourtrayed in her own letter to the queen, published in page 165 of the Account of the Conduct of the Dowager Duchess of Marlborough, written by Hooke, under her direction.)

and that, without doubt, she would reign out peaceably her whole life; but she needed not concern herself for a German family: these discourses began to break out, and gave sad thoughts to those to whom they were brought. This went on too long, little regarded; the duchess of Marlborough seemed secure of her interest in the queen, and shewed no jealousy of a favour to which herself gave the first rise. This was the state of the court at the opening of the session of parliament. 1707.

There were at that time three bishoprics vacant: Trelawny had been removed, the summer before, from Exeter to Winchester; which gave great disgust to many, he being considerable for nothing but his birth, and his (election O.) interest in Cornwall. The lord treasurer had engaged himself to him, and he was sensible that he was much reflected upon for it: but he, to soften the censure that this brought on him, had promised, that, for the future, preferments should be bestowed on men well principled with relation to the present constitution, and on men of merit [t]. The queen, without regarding this, did se- Promotions in the church.

[t] Here Burnet could not help shewing resentment for his great disappointment. After king William's death he made his court in a most obsequious manner, and, I question not, shewed the Marlborough family and lord Godolphin the fine things he designed to say of them in his History; most of which seem to be wrote with that view; for to other people he represented them as Jacobites in disguise. Trelawny was not so void of merit as he would have him thought, having been one of the seven bishops sent to the Tower by king James, and one of the two, out of them that conformed to the government after the revolution. (*Lloyd of St. Asaph was the other.*) But the rest of the world was surprised to see Dr. Godolphin, who was the treasurer's brother, and in reality a more deserving man than either of them, so much neglected upon that occasion. D. (The son of doctor Godolphin succeeded to the peerage of Godolphin, and is remembered

1707. cretly engage herself to Dr. Blackhall for Exeter; and Chester (being at the same time void, by the
488 death of Dr. Stratford) to sir William Dawes for that see [u]: these divines were in themselves men of

as a liberal benefactor to the Clarendon press at Oxford.)

[u] (Queen Anne, in a letter to the duke of Marlborough, assures him, that sir William Dawes and Dr. Blackhall were both of her own choice; and that Mr. Harley, who was the object of ministerial suspicion, knew nothing of the appointment until it was publicly talked of. See the letter in Coxe's Memoirs of the Duke of Marlborough, vol. II. p. 343. The struggle of the whig ministry, against this violation by the sovereign of their assumed right to dispose of the whole of her preferment, continued a long time. So in the former reign, her sister, queen Mary, when left at the head of the government, upon her friends complaining in her name, that an order or appointment of the queen's had been repeatedly unattended to by some inferior board, received for answer, that the revolution was not brought about for the sake of king William and queen Mary. The fact probably occurred at that time, when, as it appears by her letter inserted in Dalrymple's Third Append. p. 147, her commands were disobeyed by the board of admiralty. And now, in order completely to annihilate the will of the single person, and to set aside the power of the monarch, a fundamental maxim in law, that the king can do no wrong, which means, amongst other things, that he can authorize no wrong, is abused to the maintenance of the position, that he can do no right without an adviser, which is true only in certain cases specially provided for by statute. Certainly, if I can do nothing without an adviser, and other persons appoint my adviser, my adviser, or the persons who appoint him, are the authors of any act called mine, and I am reduced to a mere cipher; and after all perhaps may finally be treated as responsible. In vain did the merciful commonwealth's-man plead such reasons with the murderers of Charles the first. "The king," he urged, "is "supposed by law to be an "infant, and to act always by "his instruments and officers "of state, both in judging and "what is executing, what is "right and wrong." Sprigge's *Considerations submitted to the King's Judges*, Lond. 1648, p. 9. But it was better for that king to die, rather than live the degraded tool of either the independant or presbyterian party. And by what he chose to suffer, instead of surrendering his own rights and his people's freedom, the king himself appears to have been of that mind. What is here said, does not affect the right of either or both houses of parliament to offer

value and worth, but their notions were all on the other side; they had submitted to the government, but they, at least Blackhall, seemed to condemn the revolution, and all that had been done pursuant to it[x]. Dawes[y] also was looked on as an aspiring man, who would set himself at the head of the tory party: so this nomination gave a great disgust. To qualify this a little, Patrick, the pious and learned bishop of Ely, dying at this time, the queen advanced More from Norwich thither; and Dr. Trimnell, a worthy person in all respects, was named for Norwich: yet this did not quiet the uneasiness many were under by reason of the other nominations, which seemed to flow from the queen herself, and so discovered 1707.

advice to the crown in all cases; nor interferes with the impeachment in parliament of persons high in office, who from criminal motives have actually transgressed the laws, or who have cooperated in measures evidently pernicious and injurious to the interests of the nation. This has always been the established usage and law of England; but the other doctrine or position belongs to the plan of a government necessarily and essentially corrupt: a favourable delineation of which is to be found in lord Hollis's Letter, and in Henry Neville's book called *Plato Redivivus*.)

[x] (Blackhall, in a sermon preached in 1705, on the accession of the queen, defends at length the legality of the existing establishment.)

[y] Afterwards archbishop of York. He always adhered very strongly to the protestant succession. He and some few others, who were considerable tories, had at all times declared this, and were upon that styled "Hanover tories." The violent tories abominated this distinction, and hated the men. Shippen thought a Hanover tory a contradiction in terms, and a monster in its production. The chief of them were this archbishop, the late earl of Anglesey, (Arthur,) sir Thomas Hanmer, Freeman, &c. O. (Lockhart of Carnwarth, himself a Jacobite, gives a similar account of the principles of Dawes and Hanmer in his *Commentaries* lately published, but claims the earl of Anglesey for his own party. See pages 440. 445. 481. vol. I. of the *Lockhart Papers*. There is a letter from archbishop Dawes to the princess Sophia in Ellis's *Second Series of Original Letters*, vol. IV. p. 271, professing his attachment to the protestant succession,)

1707. her inclinations. To prevent the ill effects that this might have in the approaching session, some of the eminent members of the house of commons were called to a meeting, with the dukes of Somerset and Devonshire: these lords assured them, in the queen's name, that she was very sensible of the services the whigs did her; and though she had engaged herself so far with relation to those two bishoprics, that she could not recall the promises she had made, yet for the future she was resolved to give them full content. But while this was said to some whigs, Harley, and his friends St. John and Harcourt, took great pains on the leaders of the tories (in particular on Hanmer, Bromley, and Freeman) to engage them in the queen's interests; assuring them, that her heart was with them, that she was weary of the tyranny of the whigs, and longed to be delivered from it. But they were not wrought on by that management; they either mistrusted it, as done only to ensnare them, or they had other views, which they did not think fit to own. This double-dealing came to be known, and gave occasion to much jealousy and distrust [z]. A little before the session was opened, an eminent misfortune happened at sea: a convoy, of five ships of the line of battle, was sent to Portugal, to guard a great fleet of merchant ships; and they were ordered to sail, as if it had been by concert, at a time when a squadron from Dunkirk had joined another from Brest, and lay in the way, waiting for them. Some advertisements were brought to the admiralty of this conjunction, but they were not believed. When the French set upon them, the convoy did their part very gallantly, though the enemy

[z] (The author means the double-dealing of the queen.)

were three to one; one of the ships was blown up, 1707.
three of them were taken, so that only one escaped, much shattered: but they had fought so long, that most of the merchantmen had time to get away, and sailed on, not being pursued, and so got safe to Lisbon. This coming almost at the same time with 489
the misfortune that happened to Shovel, the session was begun with a melancholy face; and a dispute upon their opening had almost put them into great disorder.

It was generally thought, that though this was a parliament that had now sat two years, yet it was a new parliament, by reason it had been let fall, and was revived by a proclamation, as was formerly told: and the consequence of this was, that those who had got places were to go to a new election. Others maintained, that it could not be a new parliament, since it was not summoned by a new writ, but by virtue of a clause in an act of parliament. The duke of Marlborough, upon his coming over, prevailed to have it yielded to be a new parliament; but Harley was for maintaining it to be an old parliament [a],

[a] That it was a new parliament was certainly the safer opinion, and that very likely was the reason the duke of Marlborough went upon. It is not improbable too, that the jealousy and ill opinion which he now had of Harley, might make him suspect the other designed some embarrassment in the affairs of the government, which might, and very probably would, have arisen with regard to the legality of the parliament, if it had been considered as the old one continued; and it does seem a pretty extraordinary notion that it should not be deemed a new parliament, since the words of the article of the union relative to it most obviously carry that sense of it. Any doubt with respect to the validity of a parliament is at any time very dangerous, and would have been particularly so at this juncture. See Mr. Harley's exhortation to the house, (when he was speaker,) in the case of Ashby and White; it is printed in the 8th vol. of the State Trials, p. 92. Observe the difference between

1707. The house of commons chose the same speaker over again[b], and all the usual forms in the first beginning of a new parliament were observed.

Complaints of the admiralty.

These were no sooner over, than the complaints of the admiralty were offered to both houses: great losses were made, and all was imputed to the weakness, or to a worse disposition, in some who had great credit with the prince, and were believed to govern that whole matter: for as they were entirely possessed of the prince's confidence, so when the prince's council was divided in their opinions, the decision was left to the prince, who understood very little of those matters, and was always determined by others. By this means they were really lord high admiral, without being liable to the law for errors and miscarriages[c]. This council was not

the case there mentioned of Hen. the fourth, and the case here. But notwithstanding that difference, I am inclined to think his opinion in the first governed him in the last, that there could not be a new parliament without a new election. See also, and note well, the words of the provisions for the reviver of a former parliament, on the demise of the crown, in the acts of 7th and 8th of William III. chap. 15; 4th of Anne, chap. 8; 6th of Anne, chap. 7; 24th of George II. relating to the regency. O.

[b] (Mr. Smith.)

[c] George Churchill, the duke of Marlborough's brother, was set at the head of the admiralty, in the name of prince George, who had a commission of high admiral only to screen the other, by which means the duke of Marlborough commanded as absolutely at sea as he did at land, where the prince had likewise the title of generalissimo, with as little authority; for he was not allowed the nomination to any one office in either, which he would sometimes complain of, but had not spirit enough to help himself, nor durst any body put him upon it. He once took an opportunity to tell me, that he was very much obliged to my father; who, he said, was the only friend he had in king James's court: but he satisfied himself with telling me so, for he never aimed at making me any other return; but having said it before a great deal of company, made me pass for one that was very much in his favour, if that had signified any

a legal court, warranted by any law, though they assumed that to themselves; being counsellors, they were bound to answer only for their fidelity. The complaints were feebly managed at the bar of the house of commons; for it was soon understood, that not only the prince, but the queen likewise concerned herself much in this matter; and both looked on it as a design levelled at their authority. Both whigs and tories seemed to be at first equally zealous in the matter: but by reason of the opposition of the court, all those who intended to recommend themselves to favour abated of their zeal: some were vehement in their endeavours to baffle the complaints: they had great advantages, from the merchants managing their complaints but poorly; some were frighted, and others were practised on, and were carried even to magnify the conduct of the fleet, and to make excuses for all the misfortunes that had happened. That which had the chief operation on the whole tory party was, that it was set round among them, that the design of all these complaints was to put the earl of Orford again at the head of the fleet: upon which they all changed their note, and they in concurrence with those who were in offices or pretended to them, managed the matter so, that it was let fall, very little to their honour[d]. Unkind remarks were made on some who had changed their conduct upon their being preferred at 1707. 490

thing, besides shewing his own want of ability to gratify one he had professed an obligation to. D.

[d] Some of the whigs in the house of commons took part with the court, particularly Mr. Walpole, then one of the lords of the admiralty. He said to some of his friends, that he should be ashamed to sit at a board, and not be in a capacity to defend its proceedings. H.

1707. court: but the matter was managed with more zeal and courage in the house of lords, both whigs and tories concurring in it.

Examined by the house of lords.

A committee was appointed to examine the complaints; they called the merchants, who had signed the petition, before them; and treated them, not with the scorn that was very indecently offered them by some of the house of commons, but with great patience and gentleness: they obliged them to prove all their complaints by witnesses upon oath. In the prosecution of the inquiry it appeared, that many ships of war were not fitted out, to be put to sea, but lay in port neglected, and in great decay; that convoys had been often flatly denied the merchants, and that, when they were promised, they were so long delayed, that the merchants lost their markets, were put to great charge, and when they had perishable goods, suffered great damage in them: the cruizers were not ordered to proper stations in the channel; and when convoys were appointed, and were ready to put to sea, they had not their sailing orders sent them, till the enemies' ships were laid in their way, prepared to fall on them, which had often happened. Many advertisements, by which those misfortunes might have been prevented, had been offered to the admiralty, but had not only been neglected by them, but those who offered them had been ill treated for doing it. The committee made report of all this to the house of lords; upon which the lord treasurer moved that a copy of the report might be sent to the lord admiral, which was done, and in a few days an answer was sent to the house, excusing or justifying the conduct, in all the branches of it. The chief foundation of the answer was, that

the great fleets which were kept in the Mediterra- 1707.
nean obliged us to send away so many of our ships and seamen thither, that there was not a sufficient number left to guard all our trade; while the enemy turned all their forces at sea into squadrons, for destroying it; and that all the ships that could be spared from the public service abroad were employed to secure the trade; the promise of convoys had been often delayed, by reason of cross winds and other accidents, that had hindered the return of our men of war longer than was expected; they being then abroad, convoying other merchant-ships: and it was said, that there was not a sufficient number of ships, for cruizers and convoys both. The paper ended with some severe reflections on the last reign, in which great sums were given for the building of 491
ships, and yet the fleet was at that time much diminished, and four thousand merchant ships had been taken during that war: this was believed to have been suggested by Mr. Harley, on design to mortify king William's ministry. Upon reading of this answer, a new and a fuller examination of the particulars was again resumed by the same committee; and all the allegations in it were exactly considered: it appeared, that the half of those seamen that the parliament had provided for were not employed in the Mediterranean; that many ships lay idle in port, and were not made use of; and that in the last war, in which it appeared there were more seamen, though not more ships employed in the Mediterranean, than were now kept there, yet the trade was so carefully looked after by cruizers and convoys, that few complaints were then made: and as to the reflections made on the last reign, it was found, that not half

1707. the sum that was named was given for the building of ships; and that, instead of the fleet's being diminished during that war, as had been affirmed, it was increased by above forty ships; nor could any proof be given that four thousand ships were taken during that war: all the seamen who were then taken and exchanged did not exceed 15,000, and in the present war 18,000 were already exchanged; and we had 2000 still remaining in our enemies' hands: so much had the prince been imposed on, in that paper, that was sent to the lords in his name.

And laid before the queen in an address.

When the examination was ended, and reported to the house, it was resolved to lay the whole matter before the queen in an address; and then the tories discovered the design that they drove at; for they moved in the committee that prepared the address, that the blame of all the miscarriages might be laid on the ministry and on the cabinet council. It had been often said in the house of lords, that it was not intended to make any complaint of the prince himself; and it not being admitted that his council was of a legal constitution, the complaining of them would be an acknowledging their authority; therefore the blame could be laid regularly no where, but on the ministry: this was much pressed by the duke of Buckingham, the earl of Rochester, and the lord Haversham. But to this it was answered, by the earl of Orford, the lord Somers, and the lord Halifax, that the house ought to lay before the queen only that which was made out before them upon oath: and therefore since, in the whole examination, the ministry and the cabinet council were not once named, they could offer the queen nothing to their prejudice. Some of the things

complained of fell on the navy-board, which was a body, acting by a legal authority: the lords ought to lay before the queen such miscarriages as were proved to them; and leave it to her to find out on whom the blame ought to be cast: so far was the ministry from appearing to be in fault, that they found several advertisements were sent by the secretaries of state to the admiralty, that, as appeared afterwards, were but too well grounded; yet these were neglected by them; and that which raised the clamour the higher was, that during the winter there were no cruizers laying in the channel; so that many ships which had run through all dangers at sea, were taken in sight of land; for the privateers came up boldly to our ports. All this was digested into a full and clear address, laid by the house before the queen: there was a general answer made to it, giving assurances, that the trade should be carefully looked to; but nothing else followed upon it; and the queen seemed to be highly offended at the whole proceeding. At this time, an inquiry likewise into the affairs of Spain was begun in both houses. 1707. 492

Inquiry into the affairs of Spain.

The earl of Peterborough had received such positive orders recalling him, that though he delayed as long as he could, yet at last he came home in August: but the queen, before she would admit him into her presence, required of him an account of some particulars in his conduct, both in military matters, in his negociations, and in the disposal of the money remitted to him. He made such general answers, as gave little satisfaction; but he seemed to reserve the matter to a parliamentary examination, which was entered upon by both houses. All the tories magnified his conduct, and studied to de-

1707. tract from the earl of Galway; but it was thought that the ministry were under some restraints with relation to the earl of Peterborough, though he did not spare them; which gave occasion to many to say, they were afraid of him, and durst not provoke him[e]. The whigs, on the other hand, made severe remarks on his conduct: the complaints that king Charles made of him were read, upon which he brought such a number of papers, and so many witnesses to the bar, to justify his conduct, that after ten or twelve days spent wholly in reading papers, and in hearing witnesses, both houses grew equally weary of the matter; so, without coming to any conclusion, or to any vote, they let all that related to him fall[f]: but that gave them a handle to consider the present state of affairs in Spain. It was found, that we had not above half the troops there that the parliament had made provision for; and that not above half the officers that belonged to those bodies served there: this gave the house of commons a high
493 distaste, and it was hoped by the tories, that they should have carried the house to severe votes and warm addresses on that head; which was much laboured by them, in order to load the ministry. In this, Harley and his party were very cold and passive, and it was generally believed that the matter was privately set on by them: but the court sent an

[e] (Perhaps the author alludes to attachments, which, according to lord Dartmouth, he was accustomed to ascribe to the general and treasurer. See note above at p. 481, fol. edit.)

[f] (The treatment the earl of Peterborough met with at this time, after all his surprising successes in Spain, may be seen in Ralph's Answer to the Duchess of Marlborough's Account of her own Conduct, p. 265—270. Bishop Burnet has said little about the earl's victories.)

explanation of the whole matter to the house, by which it appeared, that though, by death and desertion, the number of the troops there was much diminished, yet the whole number provided, or at least very near it, was sent out of England. The service in Spain was much decried; and there was good reason for it; things there could not be furnished, but at excessive rates, and the soldiers were generally ill used in their quarters. They were treated very unkindly, not by king Charles, but by those about him, and by the bigoted Spaniards. 1707.

During these debates, severe things were said in general of the conduct of affairs in both houses: it was observed, that a vast army was well supplied in Flanders, but that the interest of the nation required that Spain should be more considered: it was moved in both houses, that the emperor should be earnestly applied to, to send prince Eugene into Spain; complaints were also made of the duke of Marlborough, as continuing the war, though, at the end of the campaign of 1706, the French had offered to yield up Spain and the West Indies; but that was a false suggestion[g]. All these heats in the house, after they had got this vent, were allayed: the queen assured them, all past errors should be redressed for the future; and with repeated importunities, she pressed the emperor to send prince Eugene to Spain: that court delayed to comply in this particular; but sent count Staremberg thither, who had indeed acquired a very high reputation. The queen entered also into engagements with the emperor, that she would transport, pay, and furnish all the troops that 1708.

g (See before, page 474, folio edit.)

1708. he could spare for his brother's service. These steps quieted the discontent the house had expressed upon the ill conduct of affairs in Spain; but upon Stanhope's coming over, he gave a better prospect of affairs there; and he found a readiness to agree to all the propositions that he was sent over to make. All this while an act was preparing, both for a better security to our trade by cruizers and convoys, and for the encouraging privateers, particularly in the West Indies, and in the South sea. They were to have all they could take entirely to themselves; the same encouragement was also given to the captains of the queen's ships, with this difference, that the captains of privateers were to divide
494 their capture, according to agreements made among themselves; but they left the distribution of prizes, taken by men of war, to the queen: who, by proclamation, ordered them to be divided into eight shares; of which the captain was to have three, unless he had a superior officer over him, in which case, the commodore was to have one of the three; the other five parts were to be distributed equally, among the officers and mariners of the ships, put in five different classes: all the clauses that the merchants desired, to encourage privateers, were readily granted; and it was hoped, that a great stock would be raised to carry on this private war. This passed without opposition, all concurring in it.

But as to other matters, the tories discovered much ill humour against the ministry; which broke out on all occasions: and the jealousies with which the whigs were possessed made them as cold as the others were hot. This gave the ministers great uneasiness; they found Mr. Harley was endeavouring

to supplant them at court, and to heighten the jealousies of the whigs; for he set it about among the tories, as well as among the whigs, that both the duke of Marlborough and the lord treasurer were as much inclined to come into measures with the tories as the queen herself was [h]: this broke out, and was like to have had very ill effects; it had almost lost them the whigs, though it did not bring over the tories [i]. 1708.

Discoveries of a correspondence with France.

At this time two discoveries were made, very unlucky for Mr. Harley: Tallard wrote oft to Chamillard, but he sent his letters open, to the secretary's office, to be perused and sealed up, and so to be

[h] The truth was, the whigs rode them very hard, and they would have been glad to have relieved themselves, if they could have told how; but found neither side would trust them. Besides, we all knew the queen wanted more to be delivered from them, than from the whigs. D.

[i] This jealousy in the whigs of the lord treasurer produced the juncto, as it was then called, which consisted chiefly of the earl of Sunderland, the earl of Orford, the lords Wharton, Somers, and Halifax. They were reconciled to him afterwards; but it was thought to be only so in appearance. O. (Compare lord Dartmouth's note above at p. 403. folio edit. The whigs either had, or pretended to have, a jealousy of the duke of Marlborough and the lord Godolphin, on another ground; for in a letter addressed in August this year by the earl of Sunderland to the duke of Newcastle, the former thus expresses himself. "—Without "running over all the particu- "lars, such as the villainous "management of Scotland, "the state of the fleet, which "is worse than ever, the con- "dition of Ireland, in which "the protestant interest is "lower, and the popish higher "than ever, their late manage- "ment in relation to the inva- "sion, and in particular the "pardoning lord Griffin, is a "declaration to the whole "world, as far as in them lies, "for the prince of Wales and "against the protestant suc- "cession. These are such pro- "ceedings, that, if there is not "a just spirit shewn in parlia- "ment, we had as good give "up the game, and submit to "my lord treasurer and lord "Marlborough's bringing in "the prince of Wales." *Second Series of Original Letters* published by Mr. Ellis, vol. IV. p. 150.)

1708. conveyed by the way of Holland: these were opened, upon some suspicion, in Holland; and it appeared, that one, in the secretary's office, put letters in them, in which, as he offered his service to the courts of France and St. Germains, so he gave an account of all transactions here: in one of these, he sent a copy of the letter that the queen was to write, in her own hand, to the emperor: and he marked what parts of the letter were drawn by the secretary, and what additions were made to it by the lord treasurer: this was the letter, by which the queen pressed the sending prince Eugene into Spain; and this, if not intercepted, would have been at Versailles many days before it could reach Vienna. He who sent this wrote, that by this they might see what service he could do them, if well encouraged; all this was sent over to the duke of Marlborough, and upon search, it was found to be writ by one Gregg, a clerk, whom Harley had not only entertained, but had taken into a particular confidence, without inquiry into the former parts of his life; for he was a
495 vicious and a necessitous person, who had been secretary to the queen's envoy in Denmark, but was dismissed by him for those his ill qualities. Harley had made use of him to get him intelligence, and he came to trust him with the perusal and the sealing up of the letters which the French prisoners here in England sent over to France: and by that means he got into the method of sending intelligence thither. He, when seized on, either upon remorse, or the hopes of pardon, confessed all, and signed his confession; upon that he was tried; he pleaded guilty, and was condemned as a traitor, for corresponding with the queen's enemies. At the

same time Valiere and Bara, whom Harley had em- 1708.
ployed, as his spies, to go oft over to Calais, under the pretence of bringing him intelligence, were informed against as spies employed by France to get intelligence from England; who carried over many letters to Calais and Bulloign; and, as was believed, gave such information of our trade and convoys, that by their means we had made our great losses at sea. They were often complained of upon suspicion, but they were always protected by Harley; yet the presumptions against them were so violent, that they were at last seized on, and brought up prisoners. These accidents might make Harley more earnest to bring about a change in the conduct of affairs, in which he relied on the credit of the new favourite. The duke of Marlborough and the lord treasurer having discovered many of his practices, laid them before the queen: she would believe nothing that was suggested to his prejudice: she denied she had given any authority for carrying messages to the tories; but would not believe, that he or his friends had done it, nor would she enter into any examination of his ill conduct, and was uneasy when she heard it spoke of. So these lords wrote to the queen, that they could serve her no longer, if he was continued in that post: and on the Sunday following, when they were summoned to a cabinet council, they both went to the queen, and told her, they must quit her service, since they saw she was resolved not to part with Harley. She seemed not much concerned at the lord Godolphin's offering to lay down; and it was believed to be a part of Harley's new scheme to remove him; but she was much touched with the duke of Marlborough's offering to

1708. quit, and studied, with some soft expressions, to divert him from that resolution: but he was firm, and she did not yield to them: so they both went away, to the wonder of the whole court[k]. Immediately after, the queen went to the cabinet council, and Harley opened some matters, relating to foreign affairs: the whole board was very uneasy; the duke of Somerset said, he did not see how they could de-
496 liberate on such matters, since the general was not with them; he repeated this with some vehemence, while all the rest looked so cold and sullen, that the cabinet council was soon at an end; and the queen saw that the rest of her ministers, and the chief officers, were resolved to withdraw from her service, if she did not recall the two that had left it. It was said, that she would have put all to the hazard, if Harley himself had not apprehended his danger, and resolved to lay down: the queen sent the next

[k] Next morning the duke of Roxborough came to my house, and told me the duke of Marlborough was gone in a great pet to the lodge at Windsor, and left the queen incensed beyond measure. I asked him if he had seen her. He said, there were particular reasons which made it improper for him, but advised me to go immediately, and make my compliments, which he could assure me would be very well taken. Accordingly I went: the queen received me most graciously, (and it was plain I had not been sent thither by chance.) After I had made some professions of duty and zeal for her service, and resentment for the insolent treatment I understood she had received from some of her servants; she said, she had never doubted of my affection to her, and if I had received no greater marks of her favour hitherto, I knew from whence the obstruction came: but I might expect any thing that was in her power for the future. I asked her if it would be agreeable that other people should express their duty upon that occasion. She said it would; upon which the back stairs were very much crowded for two or three days, till the duke of Marlborough was advised to return, and make his submissions; which in appearance were accepted of by the queen. D.

day for the duke of Marlborough, and after some expostulations, she told him, Harley should immediately leave his post, which he did within two days: but the queen seemed to carry a deep resentment of his and the lord Godolphin's behaviour on this occasion; and though they went on with her business, they found they had not her confidence. The duchess of Marlborough did, for some weeks, abstain from going to court, but afterwards that breach was made up in appearance, though it was little more than an appearance. Both houses of parliament expressed a great concern at this rupture in the court; and apprehended the ill effects it might have: the commons let the bill of supply lie on the table, though it was ordered for that day: and the lords ordered a committee to examine Gregg and the other prisoners. As Harley laid down, both Harcourt, then attorney general, Mansell, the comptroller of the household, and St. John, the secretary of war, went and laid down with him. The queen took much time to consider how she should fill some of these places, but Mr. Boyle, uncle to the earl of Burlington, was presently made secretary of state[1]. 1708.

[1] He was then, and had been for some time, chancellor of the exchequer, and in a particular confidence with the lord treasurer. He was now at least very firm and acceptable to the whigs, but without any party violence, and never engaged in mean things. He conducted the business of the government in the house of commons with great dignity and wisdom, and was treated there and every where else with much personal respect and distinction. He had good natural abilities, with a very sound judgment; wary and modest in all his actions, even to a diffidence of himself, that was often improper and hurtful to him. But on occasions which he thought required it, he shewed no want either of spirit or steadiness, which, with the justice and honour of his nature, and the decorum of his manner in every thing, gave him a consideration

1708. The lords who were appointed to examine Gregg could not find out much by him; he had but newly begun his designs of betraying secrets, and he had no associates with him in it: he told them, that all the papers of state lay so carelessly about the office, that every one belonging to it, even the door-keepers, might have read them all. Harley's custom was to come to the office late on post-nights, and after he had given his orders and wrote his letters, he usually went away, and left all to be copied out when he was gone: by that means he came to see every thing, in particular the queen's letter to the emperor [m]. He said, he knew the design on Toulon in May last, but he did not discover it; for he had not entered on his ill practices till October: this was all he could say. By the examination of Valiere and Bara, and of many others who lived about Dover, and were employed by them, a discovery was made of a constant intercourse they were in with Calais, under Harley's protection: they often went over with boats full of wool, and brought back brandy; though both the import and export were

An examination into that correspondence.

and a weight in the opinion of those who knew his character far beyond what any other public person has acquired in our times. I have often thought him a great pattern for those who would govern this country well. His private life was decent, except that it was too luxurious. I thought it right to give you some notes of so rare a character with us, which I have from persons who knew him, because this author has not thought fit to do it any where. O.

[m] There was not the least pretence to lay treachery to Mr. Harley's charge. But there did appear a negligent management of his office, and the lords' committee could not do otherwise (impartially speaking) than insert the particulars which related to it, as they accounted for the manner in which Gregg had gained the sight of such secret papers. The small salaries still given to the clerks are a disgrace to government, and a hazard to the state. H.

severely prohibited: they, and those who belonged to the boats carried over by them, were well treated on the French side, at the governor's house, or at the commissary's; they were kept there till their letters could be sent to Paris, and till returns could be brought back, and were all the while upon free cost: the order that was constantly given them was, that if an English or Dutch ship came up to them, they should cast their letters into the sea, but that they should not do it when French ships came up to them: so they were looked on, by all on that coast, as the spies of France. They used to get what information they could, both of merchant ships and of the ships of war that lay in the Downs; and upon that they usually went over, and it happened that soon after some of those ships were taken: these men, as they were papists, so they behaved themselves very insolently, and boasted much of their power and credit. Complaints had been often made of them, but they were always protected: nor did it appear, that they ever brought any information of importance to Harley but once, when, according to what they swore, they told him, that Fourbin was gone from Dunkirk, to lie in wait for the Russia fleet, which proved to be true: he both went to watch for them, and he took a great part of the fleet. Yet, though this was the single piece of intelligence that they ever brought, Harley took so little notice of it, that he gave no advertisement to the admiralty concerning it. This particular excepted, they only brought over common news and the Paris gazettes. These examinations lasted for some weeks: when they were ended, a full report was made of them to the house of lords; and they

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1708. ordered the whole report, with all the examinations, to be laid before the queen in an address, in which they represented to her the necessity of making Gregg a public example; upon which he was executed: he continued to clear all other persons of any accession to his crimes, of which he seemed very sensible, and died much better than he had lived [n].

A very few days after the breach that had happened at court, we were alarmed from Holland with the news of a design, of which the French made then no secret; that they were sending the pretended prince of Wales to Scotland, with a fleet and an army, to possess himself of that kingdom. But before I go further, I will give an account of all that related to the affairs of that part of the island.

Proceedings with relation to Scotland.

The members sent from Scotland to both houses of parliament were treated with very particular

[n] Particularly so with regard to Mr. Harley, in the strongest and most explicit terms. He did this in a paper he delivered to the ordinary at the place of execution, which was afterwards printed, and which I have read. Scrope, secretary of the treasury, and who had been a confident of Harley, told me, that he knew Harley did, after Gregg's death, give his widow fifty pounds a year out of his own pocket. O. (The paper which Gregg delivered to the ordinary of Newgate is to be seen in Ralph's Answer to the Account of the Duchess of Marlborough's Conduct, p. 345; where, after most solemnly acquitting Harley of any knowledge of his treasonable correspondence with France, "for "the sake," he says, "of those "whom it was his misfortune "not to be able to satisfy in "his lifetime, he expresses his "hopes of finding mercy with "God, who had touched his "conscience so powerfully, as "to prevent his prostituting "the same to save his life." Ralph adds, that it was not on Gregg only that experiments were made, but on those other persons mentioned by bishop Burnet, who were taken up for betraying secrets they were never trusted with; and who were retained by Harley in virtue of his office, as spies upon the enemy. p. 349. Swift also, in the 32nd and 40th numbers of the Examiner, mentions the attempt to suborn Gregg.)

marks of respect and esteem: and they were persons of such distinction, that they very well deserved it [o]. The first thing proposed in the house of commons with relation to them, was to take off the stop that was put on their trade: it was agreed unanimously, to pray the queen by an address, that she would give order for it; some debate arising only, whether it was a matter of right or of favour: Harley pressed the last, to justify those proceedings in which he himself had so great a share, as was formerly set forth, and on which others made severe reflections; but since all agreed in the conclusion, the dispute concerning the premises was soon let fall. After this, a more important matter was proposed concerning the government of Scotland, whether it should continue in a distinct privy council or not. All the court was for it: those who governed Scotland desired to keep up their authority there, with the advantage they made by it; and they gave the ministers of England great assurances, that by their influence elections might be so managed as to serve all the ends of the court; but they said, that without due care, these might be carried so as to

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[o] And were very importunate to have their deserts rewarded. A Scotch earl pressed lord Godolphin extremely for a place. He said there was none vacant. The other said, his lordship could soon make one so, if he pleased. Lord Godolphin asked him, if he expected to have any body killed to make room? He said, No; but lord Dartmouth commonly voted against the court, and every body wondered that he had not been turned out before now. Lord Godolphin told him, he hoped his lordship did not expect that he should be the person to propose it: and advised him never to mention it any more, for fear the queen should come to hear of it; for if she did, his lordship would run great risk never to have a place as long as she lived. But he could not forbear telling every where, how ill the lord treasurer had used him. D.

run all the contrary way. This was the secret motive, yet this could not be owned in a public assembly; so that which was pretended was, that many great families in Scotland, with the greatest part of the Highlanders, were so ill affected, that without a watchful eye, ever intent upon them, they could not be kept quiet: it lay at too great a distance from London to be governed by orders sent from thence. To this it was answered, that by the circuits of the justiciary courts, and by justices of peace, that country might be well governed, notwithstanding its distance, as Wales and Cornwall were. It was carried, upon a division, by a great majority, that there should be only one privy council for the whole island. When it was sent up to the lords, it met with a great opposition there: the court stood alone; all the tories, and the much greater part of the whigs, were for the bill[P]. The court, seeing the party for the bill so strong, was willing to compound the matter; and whereas by the bill the council of Scotland was not to sit after the first of May, the court moved to have it continued to the first of October. It was visible, that this was proposed only in order to the managing elections for the next parliament; so the lords adhered to the day prefixed in the bill. But a new debate arose about the power given by the bill to the justices of peace, which seemed to be an encroachment on the jurisdiction of the lords' regalities, and of the hereditary sheriffs and stewards, who had the right of trying criminals, in the first instance, for fourteen

[P] Among lord Somers's papers, was the minute of an excellent speech of his in the house of lords, against the continuance of the Scotch privy council. H.

days' time: yet it was ordinary, in the cases of great crimes and riots, for the privy council to take immediate cognizance of them, without any regard to the fourteen days; so by this act, the justices of peace were only empowered to do that which the privy council usually did: and except the occasion was so great as to demand a quick despatch, it was not to be doubted, but that the justices of peace would have great regard to all private rights; yet since this had the appearance of breaking in upon private rights, this was much insisted on by those who hoped, by laying aside these powers given to the justices of the peace, to have gained the main point of keeping up a privy council in Scotland: for all the Scotch ministers said, the country would be in great danger, if there were not a supreme government still kept up in it: but it seemed an absurd thing, that there should be a different administration where there was but one legislature. While Scotland had an entire legislature within itself, the nation assembled in parliament could procure the correction of errors in the administration: whereas now, that it was not a tenth part of the legislative body, if it was still to be kept under a different administration, that nation could not have strength enough to procure a redress of its grievances in parliament; so they might come to be subdued and governed as a province: and the arbitrary way in which the council of Scotland had proceeded ever since king James the first's time, but more particularly since the restoration, was fresh in memory, and had been no small motive to induce the best men of that nation to promote the union, that they might be delivered from the tyranny of the council: 1708. 499

1708. and their hopes would be disappointed, if they were still kept under that yoke [q]. This point was in conclusion yielded, and the bill passed, though to the great discontent of the court: there was a new court of exchequer created in Scotland, according to the frame of that court in England: special acts were made for the elections and the returns of the representatives in both houses of parliament; and such was the disposition of the English to oblige them, and the behaviour of the Scots was so good and discreet, that every thing that was proposed for the good of their country was agreed to: both whigs and tories vied with one another, who should shew most care and concern for the welfare of that part of Great Britain [r].

[q] The duke of Roxborough told me, this was the main inducement that he and most of the nobility had to come into the union; finding it impossible to have any redress against the high commissioner and council, let their proceedings be never so unreasonable or tyrannical. From whence I concluded, the government had acted in relation to Scotland upon the same maxim they laid down for the plantations. When I was of the council for trade, they used to depute me to acquaint the lord treasurer, when any thing happened that was not proper for us to give an answer to, without the queen's directions. Upon one of those occasions lord Godolphin told me, he did not doubt, but I knew no government could subsist without an absolute power lodged somewhere: and at the distance the plantations lay, it was necessary to place it in the governor and council, as acting by the queen's authority; therefore we should promote any misunderstandings between themselves, as being checks upon one another: but that all complaints against them from other people should be discouraged as much as possible, or the plantations would soon be independent of England. D.

[r] There was something not easy to be accounted for in the conduct of the ministry preceding this attempt. Scotland was shamefully neglected. The lord Bolingbroke (then secretary at war) told my father, that to his certain knowledge lord Godolphin was informed of the association there to bring in the pretender, and in particular had seen a list of the persons,

On the twentieth of February, which was but a few days after the act dissolving the council in Scotland had passed, we understood there was a fleet prepared in Dunkirk, with about twelve battalions, and a train of all things necessary for a descent in Scotland: and a few days after, we heard that the pretended prince of Wales was come from Paris, with all the British and Irish that were about him, in order to his embarkation. The surprise was great, for it was not looked for, nor had we a prospect of being able to set out in time a fleet able to deal with theirs, which consisted of twenty-six ships, most of them of above forty guns: but that Providence, which has, on all occasions, directed matters so happily for our preservation, did appear very signally in this critical conjuncture: our greatest want was of seamen, to man the fleet; for the ships were ready to be put to sea: this was supplied by several fleets of merchant ships, that came home at that time with their convoys: the flag officers were very acceptable to the seamen, and they bestirred themselves so effectually, that, with the help of an embargo, there was a fleet of above forty ships got ready in a fortnight's time, to the surprise of all at home as well as abroad: these stood over to Dun- 1708.

A descent designed upon Scotland.

amongst whom was the officer who commanded in Edinburgh castle. Mr. Erskine has told me, that he had heard his father-in-law, lord Mar, say, that when he, as secretary of state for Scotland, went to inform lord Godolphin and the duke of Marlborough of the dispersion of the French fleet by sir G. Byng, the duke was silent, and lord Godolphin only said, lifting up his eyes, "Well! "men propose, (f. man pro- "poses,) and God disposes!" or to that effect. H. (Compare Lockhart's Memoirs, p. 364—366, and his Commentaries lately published, pp. 296, 297, and a State of Scotland in Hamilton's Transactions of Queen Anne, p. 96.)

1708. kirk, just as they were embarking there. Upon the sight of so great a fleet, Fourbin, who commanded the French fleet, sent to Paris for new orders: he himself was against venturing out, when they saw a superior fleet ready to engage or to pursue them. The king of France sent positive orders to prosecute the design: so Fourbin, (seeing that our fleet, after it had shewed itself to them, finding the tides and sea run high, as being near the equinox, had sailed back into the Downs,) took that occasion to go out of Dunkirk on the eighth of March: but contrary winds kept him on that coast till the eleventh, and then he set sail with a fair wind. Our admiral, sir George Bing, came over again to watch his motions; and as soon as he understood that he had sailed, which was not till twenty hours after, he followed him. The French designed to have landed in the Frith, but they outsailed their point a few leagues; and by the time that they had got back to the north side of the Frith, Bing came to the south side of it, and gave the signal for coming to an anchor; this was heard by Fourbin: he had sent a frigate into the Frith to give signals, which it seems had been agreed on, but no answers were made. The design was to land near Edinburgh, where they believed the castle was in so bad a condition, and so ill provided, that it must have surrendered upon summons: and they reckoned, that upon the reputation of that, the whole body of the kingdom would have come in to them. But when Fourbin understood, on the thirteenth of March, that Bing was so near him, he tacked, and would not stay to venture an engagement. Bing pursued him with all the sail that he could make, but the French stood out to sea; there

A fleet sailed from Dunkirk.

was some firing on the ships that sailed the heaviest, and the Salisbury, a ship taken from us, and then their vice-admiral, was engaged by two English ships, and taken without any resistance. There were about 500 landmen on board her, with some officers and persons of quality; the chief of these were the lord Griffin, and the earl of Middleton's two sons. Bing, (having lost sight of the French, considering that the Frith was the station of the greatest importance, as well as safety, and was the place where they designed to land,) put in there, till he could hear what course the French steered: the tides ran high, and there was a strong gale of wind. Upon the alarm of the intended descent, orders were sent to Scotland, to draw all their forces about Edinburgh: the troops that remained in England were ordered to march to Scotland: and the troops in Ireland were ordered to march northward, to be ready when called for: there were also twelve battalions sent from Ostend under a good convoy, and they lay at the mouth of the Tine till further orders. Thus all preparations were made to dissipate that small force: but it appeared, that the French relied chiefly on the assistance that they expected would have come in to them upon their landing[s]: of this they seemed so well assured, that the king of France sent instructions to his ministers

1708.

501

Reports spread by the French.

[s] Colonel Hooke's Memoirs bear ample testimony to the reality of the Jacobite intrigues in Scotland, and indeed to the general truth of what is called the Scotch plot in 1703, that of the . . . . . Persons mentioned in the letter were actually treated with, and signed assurances to colonel Hooke, that they would take up arms for the pretender. H. (Hooke's Negociations were published in 1760.)

1708. in all the courts that admitted of them, to be published every where, that the pretended prince being invited by his subjects, chiefly those of Scotland, to take possession of the throne of his ancestors, the king had sent him over at their desire, with a fleet and army to assist him: that he was resolved to pardon all those who should come in to him, and he would trouble none upon the account of religion: upon his being reestablished, the king would give peace to the rest of Europe. When these ministers received these directions, they had likewise advice sent them, which they published both at Rome, Venice, and in Switzerland, that the French had, before this expedition was undertaken, sent over some ships with arms and ammunition to Scotland: and that there was already an army on foot there, that had proclaimed this pretended prince, king. It was somewhat extraordinary to see such eminent falsehoods published all Europe over: they also affirmed, that hostages were sent from Scotland to Paris, to secure the observing the engagements they had entered into; though all this was fiction and contrivance.

The States were struck with great apprehensions, so were all the allies; for though they were so long accustomed to the cunning practices of the court of France, yet this was an original; and therefore it was generally concluded, that so small an army and so weak a fleet would not have been sent, but upon great assurances of assistance, not only from Scotland, but from England: and upon this occasion severe reflections were made, both on the conduct of the admiralty, and on that tract of correspond-
502 ence lately discovered, that was managed under

Harley's protection[t]: and on the great breach, that was so near the disjointing all our affairs but a few days before. These things, when put together, filled men's minds with thoughts of no easy digestion. 1708.

The parliament was sitting, and the queen, in a speech to both houses communicated to them the advertisements she had received: both houses made addresses to her, giving her full assurance of their adhering steadfastly to her, and to the protestant succession: and mixed with these broad intimations of their apprehensions of treachery at home[u]. They passed also two bills; the one, that the abjuration might be tendered to all persons, and that such as

The parliament stands firmly by the queen.

[t] These words imply more than the bishop had any authority to say; I say this for the sake of justice. Harley was inexcusably negligent. That was his crime, but some of his enemies wished to make it treason. O.

[u] (The address to the queen from the house of lords was very zealous in the cause of the ministry, but not over respectful to the sovereign. It is here given as it appears in Oldmixon's *History of TheseReigns;*
" We hope your majesty will
" always have a just detesta-
" tion of those persons, who at
" a time when this hellish at-
" tempt was afoot, and so near
" breaking out, were using
" their endeavours to misre-
" present the actions of your
" best subjects, and create jea-
" lousies in your majesty of
" those who had always served
" you most eminently and faith-
" fully. And we beseech your
" majesty not to give so just a
" cause of uneasiness to your
" people, as to suffer any such
" hereafter to have access to
" your royal person. We hope
" for this good effect from so
" unhappy an occasion: that
" the universal zeal which will
" appear for the preservation
" of your majesty's govern-
" ment, and the protestant
" succession, will unite us to
" one another, and cure our
" mistakes and misapprehen-
" sions, which have been so in-
" dustriously and maliciously
" improved. But nevertheless,
" we most humbly offer it to
" your majesty as our opinion,
" that your majesty should
" principally depend upon, and
" encourage those, who have
" been ever since the revolu-
" tion, most steady and firm
" to the interest of the late
" king, and of your majesty,
" during your happy reign."
p. 406.)

1708. refused it should be in the condition of convict recusants: by the other, they suspended the Habeas Corpus act till October, with relation to persons taken up by the government upon suspicion: and the house of commons, by a vote, engaged to make good to the queen all the extraordinary charge this expedition might put her to.

The French fleet got again into Dunkirk.

A fortnight went over, before we had any news of the French fleet: three of their ships landed near the mouth of Spey, only to refresh themselves; for the ships being so filled with landmen, there was a great want of water: at last all their ships got safe into Dunkirk: the landmen either died at sea, or were so ill, that all the hospitals in Dunkirk were filled with them. It was reckoned that they lost above 4000 men in this unaccountable expedition: for they were above a month tossed in a very tempestuous sea. Many suspected persons were taken up in Scotland, and some few in England: but further discoveries of their correspondents were not then made. If they had landed, it might have had an ill effect on our affairs, chiefly with relation to all paper credit: and if by this, the remittances to Piedmont Catalonia, and Portugal, had been stopped in so critical a season, that might have had fatal consequences abroad: for if we had been put into such a disorder at home, that foreign princes could no more reckon on our assistance, they might have been disposed to hearken to the propositions that the king of France would then have probably made to them. So that the total defeating of this design, without its having the least ill effect on our affairs, or our losing one single man in the little engagement we had with the enemy, is always to be reckoned as one

of those happy providences, for which we have much to answer. 1708.

The queen seemed much alarmed with this matter, and saw with what falsehoods she had been abused by those who pretended to assure her there was not now a Jacobite in the nation: one variation in her style was now observed: she had never in any speech mentioned the revolution, or those who had been concerned in it: and many of those who made a considerable figure about her, studied, though against all sense and reason, to distinguish her title from the revolution: it was plainly founded on it, and on nothing else. In the speeches she now made, she named the revolution twice: and said she would look on those concerned in it as the surest to her interests: she also fixed a new designation on the pretended prince of Wales, and called him the pretender; and he was so called in a new set of addresses, which, upon this occasion, were made to the queen: and I intend to follow the precedent, as often as I may have occasion hereafter to mention him. The session of parliament was closed in March, soon after defeating the design of the descent: it was dissolved in April by proclamation, and the writs were issued out for the elections of a new parliament, which raised that ferment over the nation, that was usual on such occasions. The just fears and visible dangers to which the attempt of the invasion had exposed the nation, produced very good effects: for the elections did for the most part fall on men well affected to the government, and zealously set against the pretender. 503

As soon as the state of affairs at home was well settled, the duke of Marlborough went over to Hol- The designs of the campaign are concerted.

1708. land, and there prince Eugene met him; being sent by the emperor, to concert with him and the States the operations of the campaign: from the Hague, they both went to Hanover, to settle all matters relating to the empire, and to engage the elector to return, to command the army on the Upper Rhine. Every thing was fixed: prince Eugene went back to Vienna, and was obliged to return by the beginning of June; for the campaign was then to be opened every where.

The princes of France sent to the army in Flanders.

The court of France was much mortified by the disappointment they had met with in their designs against us: but to put more life in their troops, they resolved to send the duke of Burgundy with the duke of Berry to be at the head of their army in Flanders: the pretender went with them, without any other character than that of the chevalier de St. George. The elector of Bavaria with the duke of Berwick were sent to command in Alsace, and marshal Villars was sent to head the forces in Dauphiny. The credit, with relation to money, was still very low in France: for after many methods taken for raising the credit of the mint bills, they were still at a discount of forty per cent. No fleets came this year from the West Indies, so that they could not be supplied from thence [x].

The duke of Orleans sent to Spain.

504 The duke of Orleans was sent to command in Spain; and according to the vanity of that nation it was given out, that they were to have mighty armies in many different places, and to put an end to the war there: great rains fell all the winter in all the parts of Spain; so that the campaign could not be

[x] It was their general supply in this war, and the whole amounted to an immense sum. O.

so soon opened as it was at first intended. The bills, 1708.
that the duke of Orleans brought with him to Spain, were protested; at which he was so much displeased, that he desired to be recalled: this was remedied to some degree, though far short of what was promised to him. The troops of Portugal that lay at Barcelona, ever since the battle of Almanza, were brought about by a squadron of our ships, to the defence of their own country; sir John Leak came also over thither from England with recruits and other supplies, that the queen was to furnish that crown with: and when all was landed, he sailed into the Mediterranean, to bring over troops from Italy, for the strengthening of king Charles, whose affairs were in great disorder.

Tortosa besieged and taken.

After all the boasting of the Spaniards, their army on the side of Portugal was so weak, that they could not attempt any thing; so this was a very harmless campaign on both sides; the Portugueze not being much stronger. The duke of Orleans sat down before Tortosa in June, and though Leak dissipated a fleet of tartanes, sent from France to supply his army, and took about fifty of them, which was a very seasonable relief to those in Barcelona, upon which it was thought the siege of Tortosa would be raised, yet it was carried on till the last of June, and then the garrison capitulated.

Supplies sent from Italy to Spain.

Leak sailed to Italy, and brought from thence, both the new queen of Spain and 8000 men with him: but by reason of the slowness of the court of Vienna, these came too late to raise the siege of Tortosa: the snow lay so long on the Alps, that the duke of Savoy did not begin the campaign till July, then he came into Savoy, of which he possessed

1708. himself without any opposition: the whole country was under a consternation as far as Lyons.

On the Upper Rhine, the two electors[y] continued looking on one another, without venturing on any action; but the great scene was laid in Flanders: the French princes came to Mons, and there they opened the campaign, and advanced to Soignies, with an army of an hundred thousand men: the duke of Marlborough lay between Enghien and Hall, with his army, which was about eighty thousand.

Ghendt and Bruges taken by the French.

The French had their usual practices on foot in several towns in those parts: a conspiracy to deliver Antwerp to them was discovered and prevented: 505 the truth was, the Dutch were severe masters, and the Flandrians could not bear it: though the French had laid heavier taxes on them, yet they used them better in all other respects: their bigotry, being wrought on by their priests, disposed them to change masters, so these practices succeeded better in Ghendt and Bruges. The duke of Marlborough resolved not to weaken his army by many garrisons: so he put none at all in Bruges, and a very weak one in the citadel of Ghendt, reckoning that there was no danger, as long as he lay between those places and the French army. The two armies lay about a month, looking on one another, shifting their camps a little, but keeping still in safe ground, so that there was no action all the while; but near the end of June, some bodies drawn out of the garrisons about Ypres, came and possessed themselves of Bruges without any opposition: and the garrison in Ghendt was too weak to make any resistance, so they capitulated, and marched out; upon this, the

[y] (The electors of Hanover and Bavaria.)

whole French army marched towards those places, hoping to have carried Oudenarde in their way. 1708.

The battle of Oudenarde.

The duke of Marlborough followed so quick, that they drew off from Oudenarde as he advanced: in one day, which was the last of June, he made a march of five leagues, passed the Scheld without any opposition, came up to the French army, and engaged them in the afternoon: they had the advantage both of numbers and of ground; yet our men beat them from every post, and in an action that lasted six hours, we had such an entire advantage, that nothing but the darkness of the night and weariness of our men saved the French army from being totally ruined. There were about 5000 killed, and about 8000 made prisoners, (of whom 1000 were officers,) and about 6000 more deserted; so that the French lost at least 20,000 men, and retired in great haste, and in greater confusion, to Ghendt. On the confederates' side, there was about 1000 killed and 2000 wounded: but our army was so wearied with a long march and a long action, that they were not in a condition to pursue with that haste that was to be desired: otherwise great advantages might have been made of this victory. The French posted themselves on the great canal, that runs from Ghendt to Bruges: prince Eugene's army, of about 30,000 men, was now very near the great army, and joined it in a few days after this action: but he himself was come up before them, and had a noble share in the victory; which, from the neighbourhood of that place, came to be called the battle of Oudenarde [z].

[z] (In the battle of Oudenarde the electoral prince of Hanover, afterwards king George II. distinguished himself by his

1708. The French had recovered themselves out of their first consternation, during that time which was ne-
506 cessary to give our army some rest and refreshment: and they were so well posted, that it was not thought fit to attack them. Great detachments were sent, as far as to Arras, to put all the French countries under contribution; which struck such a terror every where, that it went as far as to Paris: our army could not block up the enemy's on all sides, the communication with Dunkirk by Newport was still open; and the French army was supplied from thence: they made an invasion into the Dutch Flanders: they had no great cannon, so they could take no place; but they destroyed the country with their usual barbarity.

Lisle besieged. In conclusion, the duke of Marlborough, in concert with prince Eugene and the States, resolved to besiege Lisle, the capital town of the French Flanders: it was a great, a rich, and a well fortified place; with a very strong citadel: it had been the first conquest the French king had made, and it was become, next to Paris, the chief town of his dominions: marshal Boufflers threw himself into it, with some of the best of the French troops: the garrison was at least 12,000 strong, some called it 14,000. Prince Eugene undertook the conduct of the siege, with about 30,000 men, and the duke of Marlborough, with the rest of the army, lay on the Scheld

intrepidity; his horse having been shot under him, and the commander of the squadron killed by his side. See Oldmixon's Hist. of these Reigns, p. 211. and Memoirs of Prince Eugene written by himself, and lately published, p. 112. Somerville, in his History of this Reign, ch. 13. observes, that the electoral prince of Hanover, and the son of king James, fought both with great valour on opposite sides.)

at Pont Esperies, to keep the communication open with Brussels: some time was lost before the great artillery could be brought up: it lay at Sass van Ghendt, to have been sent up the Lys, but now it was to be carried about by Antwerp to Brussels, and from thence by land-carriages to the camp, which was a long and a slow work: in that some weeks were lost, so that it was near the end of August before the siege was begun. The engineers promised the States to take the place within a fortnight, after the trenches were opened; but the sequel shewed that they reckoned wrong: there were some disputes among them: errors were committed by those who were in greatest credit, who thought the way of sap the shortest, as well as the surest method: yet after some time lost in pursuing this way, they returned to the ordinary method. Boufflers made a brave and a long defence: the duke of Burgundy came with his whole army so near ours, that it seemed he designed to venture another battle, rather than lose so important a place: and the duke of Marlborough was for some days in a posture to receive him: but when he saw that his whole intention, in coming so near him, was only to oblige him to be ready for an action, without coming to any; and so to draw off a great part of those bodies that carried on the siege, leaving only as many as were necessary to maintain the ground they had gained, he drew a line before his army, and thought only of carrying on the siege; for while he looked for an engagement, no progress was made in that. 1708. 507

After some days, the French drew off, and fell to making lines all along the Scheld, but chiefly about The French draw lines all along the Scheld.

1708. Oudenarde; that they might cut off the communication between Brussels and our camp, and so separate our army from all intercourse with Holland: the lines were about seventy miles long, and in some places near Oudenarde they looked liker the ramparts of a fortified place than ordinary lines; on these they laid cannon, and posted the greatest part of their army upon them, so that they did effectually stop all communication by the Scheld. Upon which the States ordered all that was necessary, both for the army and for the siege, to be sent to Ostend: and if the French had begun their designs with the intercepting this way of conveyance, the siege must have been raised for want of ammunition to carry it on.

About this time, 6000 men were embarked at Portsmouth, in order to be sent over to Portugal: but they were ordered to lie for some time on the coast of France, all along from Bulloigne to Dieppe, in order to force a diversion, we hoping that this would oblige the French to draw some of their troops out of Flanders, for the defence of their coast: this had no great effect, and the appearance that the French made, gave our men such apprehensions of their strength, that though they once begun to land their men, yet they soon returned back to their ships: but as their behaviour was not a little censured, so the state of the war in Flanders made it necessary to have a greater force at Ostend. They were upon this ordered to come and land there[a]:

[a] (This measure was complained of as diverting a force from its original destination, although it was so much wanted at that time in the peninsula. Compare what the author acknowledges afterwards p. 515, folio edit.)

Earl, who commanded them, came out and took a post at Leffingen, that lay on the canal, which went from Newport to Bruges, to secure the passage of a great convoy of 800 waggons, that were to be carried from Ostend to the army: if that had been intercepted, the siege must have been raised: for the duke of Marlborough had sent some ammunition from his army, to carry on the siege, and he could spare no more: he began to despair of the undertaking, and so prepared his friends to look for the raising the siege, being in great apprehensions concerning this convoy; upon which, the whole success of this enterprise depended: he sent Webb, with a body of 6000 men, to secure the convoy. 1708. A new supply sent to Ostend.

The French, who understood well of what consequence this convoy was, sent a body of 20,000 men, with forty pieces of cannon, to intercept it: Webb, seeing the inequality between his strength and the enemy's, put his men into the best disposition he could. There lay coppices on both sides of the place where he posted himself; he lined these well, and stood still for some hours, while the enemy cannonaded him, he having no cannon to return upon them: his men lay flat on the ground, till that was over. But when the French advanced, our men fired upon them, both in front and from the coppices, with that fury and with such success, that they began to run; and though their officers did all that was possible to make them stand, they could not prevail: so, after they had lost about 6000 men, they marched back to Bruges: Webb durst not leave the advantageous ground he was in to pursue them, being so much inferior in number. So unequal an action, and so shameful a flight, with so A defeat given the French when they were three to one. 508

1708. great loss, was looked on as the most extraordinary thing that had happened during the whole war: and it encouraged the one side as much as it dispirited the other [b]. Many reproaches passed on this occasion between the French and the Spaniards;

[b] It was indeed a great action, and of great consequence; but he who performed it, perpetually talking of it, and people by that growing tired of his vanity in it, came very soon to lose almost the whole merit of it. The then duke of Argyle said a severe, but a very true thing to him, and which deserves to be remembered as a general instruction. He was one day talking over this battle, when the duke was present, (who had heard it from him twenty times before,) and saying in the course of his relation, "Here I received four "wounds;" says the duke immediately, "I wish, dear gene-"ral, you had received one "more, and that had been in "your tongue; for then every "body else would have talked "of your action." O. ("The "siege of Lisle," says Ralph, "one of the strongest places "in the world, was next un-"dertaken by the confederate "generals, in the sight of an "army superior to their own; "which had posted themselves "so advantageously, as to cut "off all communication be-"tween the besiegers and "Brussels; whereby ammuni-"tion of all sorts began to fail; "and the consequences might "have been greatly calamitous, "if general Webb had not, "with incredible conduct and "bravery, both covered the "grand convoy committed to "his charge, and with a party "of but 6000, defeated an "army of between 23, and "24,000, which had been de-"tached to make sure of a "supply which was of such "immediate importance to the "confederates.

"But the merit of this gal-"lant action was by Mr. Car-"donnel, the duke of Marl-"borough's secretary, ascribed "solely to lieutenant general "Codogan, (his grace's favour-"ite,) who did not come up "till it was entirely over, and "the enemy retreating in dis-"order; without the least "mention of Mr. Webb, who "thereupon quitted the army "in disgust, and very frankly "set forth the injury which had "been done him, both to the "queen and the whole na-"tion." *Answer to the Account of the Duchess of Marlborough's Conduct*, p. 360. General Webb had the thanks of the house of commons in the succeeding parliament for his brave conduct at this time; and immediately after the event Addison speaks in commendation of it in an unpublished letter addressed to sir Henry Newton, the envoy at Florence. The letter is dated Dec. 31, 1708.)

the latter, who had suffered the most, blaming the former for abandoning them: this, which is the ordinary consequence of all great misfortunes, was not soon quieted. 1708.

The convoy arriving safe in the camp, put new life in our army: some other convoys came afterwards, and were brought safe: for the duke of Marlborough moved with his whole army to secure their motions, nor did the enemy think fit to give them any disturbance for some time. By the means of these supplies, the siege was carried on so effectually, that by the end of October the town capitulated: mareschal Boufflers retiring into the citadel with 6000 men. The French saw of what importance the communication by Ostend was to our army, which was chiefly maintained by the body that was posted at Leffingen; so they attacked that by a very great force: the place was weak of itself, but all about was put under water, so it might have made a longer resistance: it was too easily yielded up by those within it, who were made prisoners of war. Thus the communication with Ostend was cut off, and upon that the French flattered themselves with the hopes of starving our army; having thus separated it from all communication with Holland: insomuch that it was reported, the duke of Vendome talked of having our whole forces delivered into his hands as prisoners of war, for want of bread and other necessaries. It is true the duke of Marlborough sent out great bodies, both into the French Flanders and into the Artois, who brought in great stores of provisions: but that could not last long.

Convoys from Ostend came safe to the camp.

Leffingen taken by the French.

The French army lay all along the Scheld, but

1708. had sent a great detachment to cover the Artois: all this while there was a great misunderstanding between the duke of Burgundy and the duke of Vendome: the latter took so much upon him, that the other officers complained of his neglecting them; so they made their court to the duke of Burgundy, and laid the blame of all his miscarriages on Vendome. He kept close to the orders he had from Versailles, where the accounts he gave, and the advices he offered, were more considered than those that were sent by the duke of Burgundy: this was very uneasy to him, who was impatient of contradiction, and longed to be in action, though he did not shew the forwardness, in exposing his own person, that was expected: he seemed very devout, even to bigotry; but by the accounts we had from France, it did appear that his conduct during the campaign gave no great hopes or prospect from him, when all things should come into his hands: Chamillard was often sent from court to soften him, and to reconcile him to the duke of Vendome, but with no effect.

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Misunderstanding between the dukes of Burgundy and Vendome.

Affairs on the Upper Rhine.

The elector of Bavaria had been sent to command on the Upper Rhine: the true reason was believed, that he might not pretend to continue in the chief command in Flanders: he was put in hopes of being furnished with an army so strong, as to be able to break through into Bavaria. The elector of Hanover did again undertake the command of the army of the empire: both armies were weak; but they were so equally weak, that they were not able to undertake any thing on either side: so after some months, in which there was no considerable action, the forces on both sides went into winter quarters.

Then the court of France, believing that the elector of Bavaria was so much beloved in Brussels, that he had a great party in the town, ready to declare for him, ordered an army of 14,000 men, with a good train of artillery, to be brought together, and with that body he was sent to attack Brussels; in which there was a garrison of 6000 men. He lay before the town five days; in two of these he attacked it with great fury: he was once master of the counterscarp, but he was soon beaten out of it; and though he repeated his attacks very often, he was repulsed in them all. 1708. The elector of Bavaria sent to attack Brussels.

The duke of Marlborough hearing of this, made a sudden motion towards the Scheld: but to deceive the enemy, it was given out, that he designed to march directly towards Ghendt, and this was believed by his whole army, and it was probably carried to the enemy; for they seemed to have no notice nor apprehension of his design on the Scheld: he advanced towards it in the night, and marched with the foot very quick, leaving the horse to come up with the artillery: the lines were so strong, that it was expected, that in the breaking through them there must have been a very hot action: some of the general officers told me, that they reckoned it would have cost them at least 10,000 men; but to their great surprise, as soon as they passed the river, the French ran away, without offering to make the least resistance; and they had drawn off their cannon the day before. Our men were very weary with the night's march, so they could not pursue; for the horse were not come up, nor did the garrison of Oudenarde sally out; yet they took a thousand The duke of Marlborough passed the Scheld and the lines.

1708. prisoners. Whether the notice of the feint, that the duke of Marlborough gave out, of his design on Ghendt, occasioned the French drawing off their cannon, and their being so secure, that they seemed to have no apprehensions of his true designs, was not yet certainly known: but the abandoning those lines, on which they had been working for many weeks, was a surprise to all the world: their councils seemed to be weak, and the execution of them was worse: so that they, who were so long the terror, were now become the scorn of the world.

The elector of Bavaria drew off from Brussels.

The main body of their army retired to Valenciennes; great detachments were sent to Ghendt and Bruges. As soon as the elector of Bavaria had the news of this unlooked for reverse of their affairs, he drew off from Brussels with such precipitation, that he left his heavy cannon and baggage, with his wounded men, behind him: so this design, in which 3000 men were lost, came soon to an end. Those who thought of presages, looked on our passing the lines on the same day in which the parliament of England was opened, as a happy one. Prince Eugene had marched with the greatest part of the force that lay before Lisle, (leaving only what was necessary to keep the town, and to carry on the sap against the citadel,) to have a share in the action that was expected in forcing the lines: but he came quickly back, when he saw there was no need of him, and that the communication with Brussels was opened.

The citadel of Lisle capitulated.

The siege of the citadel was carried on in a slow but sure method: and when the besiegers had lodged themselves in the second counterscarp, and

had raised all their batteries, so that they were ready to attack the place in a formidable manner [c], mareschal Boufflers thought fit to prevent that, by a capitulation. It was now near the end of November; so he had the better terms granted him: for it was resolved, as late as it was in the year, to reduce Ghendt and Bruges, before this long campaign should be concluded: he marched out with 5000 men, so that the siege had cost those within, as many lives as it did the besiegers, which were near 8000. 1708.

This was a great conquest; the noblest, the richest, and the strongest town in those provinces, was thus reduced: and the most regular citadel in Europe, fortified and furnished at a vast expense, was taken without firing one cannon against it. The garrison was obliged to restore to the inhabitants all that had been carried into the citadel, and to make good all the damages that had been done the town, by the demolishing of houses while they were preparing themselves for the siege. All the several methods the French had used to give a diversion had proved ineffectual: but that in which the observers of Providence rejoiced most, was the signal character of a particular blessing on this siege: it was all the whole time a rainy season all Europe over, and in all the neighbouring places; yet during the siege of the town, it was dry and fair about it: and on those days of capitulation, in which time was al- Reflections that passed on it. 511

[c] It was during the siege of Lisle, that the French court, through the channel of the duke of Berwick, offered the duke of Marlborough a considerable sum of money to procure them a peace. Mr. Torcy refers to this transaction in his Memoirs, vol. II. The duke of Berwick's mother was Churchill's sister. H.

1708. lowed for the garrison to march into the citadel, it rained; but as soon as these were elapsed, so that they were at liberty to besiege the citadel, fair weather returned, and continued till it was taken.

Ghendt and Bruges retaken. From Lisle, the army marched to invest Ghendt, though it was late in the year; for it was not done before December: the French boasted much of their strength, and they had, by some new works, made a shew of designing an obstinate resistance. They stood it out till the trenches were far advanced, and the batteries were finished, so that the whole train of artillery was mounted; when all was ready to fire on the town, the governor, to save both that and his garrison, thought fit to capitulate: he had an honourable capitulation, and a general amnesty was granted to the town, with a new confirmation of all their privileges. The burghers did not deserve so good usage; but it was thought fit to try how far gentle treatment could prevail on them, and overcome their perverseness: and indeed it may be thought, that they had suffered so much by their treachery, that they were sufficiently punished for it. Ghendt was delivered to the duke of Marlborough on the last of December N. S.; so gloriously was both the year and the campaign finished at once: for the garrison, that lay at Bruges and in the forts about it, withdrew without staying for a summons. These being evacuated, the army was sent into winter quarters.

A very hard winter. It had not been possible to have kept them in the field much longer; for within two or three days after, there was a great fall of snow, and that was followed by a most violent frost, which continued the longest of any in the memory of man: and

though there were short intervals of a few days of thaw, we had four returns of an extreme frost, the whole lasting about three months. Many died in several parts by the extremity of the cold; it was scarce possible to keep the soldiers alive, even in their quarters: so that they must have perished, if they had not broke up the campaign before this hard season. This coming on so quick, after all that was to be done abroad was effectuated, gave new occasions to those who made their remarks on Providence, to observe the very great blessings of this conjuncture, wherein every thing that was designed was happily ended just at the critical time that it was become necessary to conclude the campaign: and indeed the concurrence of those happy events, that had followed us all this year, from the pretender's first setting out from Dunkirk, to the conclusion of it, was so signal, that it made great impressions on many of the chief officers, which some owned to my self; though they were the persons from whom I expected it least. 1708. 512

Sardinia and Minorca reduced.

The campaign in Spain was more equally balanced: the duke of Orleans took Tortosa; Denia was also forced to capitulate, and the garrison were made prisoners of war. But these losses by land were well made up by the successes of our fleet; Sardinia was reduced after a very feeble and short struggle: the plenty of the island made the conquest the more considerable at that time, for in Catalonia they were much straitened for want of provisions, which were now supplied from Sardinia. Towards the end of the campaign, the fleet, with a thousand landmen on board, came before Minorca, and in a few days made themselves masters of that

1708. island, and of those forts that commanded Port Mahon, the only valuable thing in that island: all was carried after a very faint resistance, the garrisons shewing either great cowardice, or great inclinations to king Charles. By this, our fleet had got a safe port to lie in and refit, and to retire into on all occasions; for till then we had no place nearer than Lisbon: this was such an advantage to us, as made a great impression on all the princes and states in Italy [d].

The pope threatens the emperor with censures and a war.

At this time the pope began to threaten the emperor with ecclesiastical censures and a war, for possessing himself of Commachio, and for taking quarters in the papal territories: he levied troops, and went often to review them, not without the affectation of shewing himself a general, as if he had been again to draw the sword, as St. Peter did: he opened Sixtus the fifth's treasure, and took out of it 500,000 crowns for this service. Many were afraid that this war should have brought the emperor's affairs into a new entanglement; for the court of France laid hold of this rupture, and, to inflame it, sent mareschal Tessé to Rome, to encou-
513 rage the pope, with great assurances of support. He was also ordered to try, if the great duke, and the republics of Venice and Genoa, could be engaged in an alliance against the imperialists.

The emperor bore all the pope's threats with

[d] This important acquisition, as it has proved to Great Britain, was owing to the bravery and conduct of Stanhope, afterwards earl Stanhope; and for his part in it, though not mentioned by our author, see Boyer's Annals of Queen Anne, and the letter there of the then secretary of state, (earl of Sunderland,) to general Stanhope, on the occasion of this conquest, pp. 349, 350, 351. O.

great patience, till the duke of Savoy ended the campaign: that duke, at the first opening of it, marched into Savoy, from whence it was thought his designs were upon Dauphiny. Villars was sent against him, to defend that frontier; though he did all he could to decline that command: he drew all his forces together to cover Dauphiny; and by these motions the passage into the Alps was now open: so the duke of Savoy secured that, and then marched back to besiege, first Exilles, and then Fenestrella, two places strong by their situation, from whence excursions could have been made into Piedmont; so that in case of any misfortune in that duke's affairs, they would have been very uneasy neighbours to him: he took them both. The greatest difficulty in those sieges was from the impracticableness of the ground, which drew them out into such a length, that the snow began to fall by the time both were taken. By this means the Alps were cleared, and Dauphiny was now open to him: he was also master of the valley of Pragelas, and all things were ready for a greater progress in another campaign. 1708. The duke of Savoy took Exilles and Fenestrella.

The emperor's troops, that were commanded by him, were, at the end of the season, ordered to march into the pope's territories; and were joined by some more troops, drawn out of the Milanese and the Mantuan. The pope's troops began the war in a very barbarous manner; for while they were in a sort of a cessation, they surprised a body of the imperialists, and without mercy put them all to the sword: but as the imperial army advanced, the Papalins, or, as the Italians in derision called them, the Rapagallians, fled every where before them, even when they were three to one. As they

1708. came on, the pope's territories and places were all cast open to them: Bologna, the most important and the richest of them all, capitulated; and received them without the least resistance. The people of Rome were uneasy at the pope's proceedings, and at the apprehensions of a new sack from a German army: they shewed this so openly, that tumults there were much dreaded, and many cardinals declared openly against this war. The emperor sent a minister to Rome, to see if matters could be accommodated: but the terms proposed seemed to be of hard digestion; for the pope was required to acknowledge king Charles, and in every particular to comply with the emperor's demands.

The pope is obliged to submit to the emperor.

The pope was amazed at his ill success, and at those high terms; but there was no remedy left: the ill state of affairs in France was now so visible, 514 that no regard was had to the great promises which mareschal Tessé was making, nor was there any hopes of drawing the princes and states of Italy into an alliance for his defence. In conclusion, the pope, after he had delayed yielding to the emperor's demands long enough to give the imperialists time to eat up his country, at last submitted to every thing; yet he delayed acknowledging king Charles for some months, though he then promised to do it; upon which the emperor drew his troops out of his territories. The pope turned over the manner of acknowledging king Charles to a congregation of cardinals: but they had no mind to take the load of this upon themselves, which would draw an exclusion upon them from France in every conclave; they left it to the pope, and he affected delays; so that it was not done till the end of the following year.

And acknowledged king Charles.

The affairs in Hungary continued in the same ill state in which they had been for some years: the emperor did not grant the demands of the diet that he had called, nor did he redress their grievances, and he had not a force strong enough to reduce the malecontents; so that his council could not fall on methods, either to satisfy or to subdue them. 1708. Affairs in Hungary.

Poland continued still to be a scene of war and misery: to their other calamities they had the addition of a plague, which laid some of their great towns waste: the party formed against Stanislaus continued still to oppose him, though they had no king to head them. The king of Sweden's warlike humour possessed him to such a degree, that he resolved to march into Muscovy. The czar tried how far submissions and intercessions could soften him; but he was inflexible: he marched through the Ukrain, but made no great progress; the whole Muscovite force fell on one of his generals, that had about him only a part of his army, and gave him a total defeat, most of his horse being cut off. After that, we were for many months without any certain news from those parts: both sides pretended they had great advantages; and as Stanislaus's interests carried him to set out and magnify the Swedish success, so the party that opposed him studied as much to raise the credit of the Muscovites: so that it was not yet easy to know what to believe further, than that there had been no decisive action throughout the whole year; nor was there any during the following winter. And in Poland.

Our affairs at sea were less unfortunate this year than they had been formerly: the merchants were Affairs at sea.

1708. 515 better served with convoys, and we made no considerable losses. A squadron that was sent to the bay of Mexico met with the galleons, and engaged them: if all their (f. the) captains had done their duty, they had been all taken: some few fought well. The admiral of the galleons, which carried a great treasure, was sunk; the vice-admiral was taken; and the rear-admiral run himself ashore near Cartagena; the rest got away. The enemy lost a great deal by this action, though we did not gain so much as we might have done, if all our captains had been brave and diligent [e]. Another squadron carried over the queen of Portugal, which was performed with great magnificence: she had a quick and easy passage. This did in some measure compensate to that crown for our failing them, in not sending over the sup-

[e] Wager was the commander of this squadron, and behaved greatly in the action. He was afterwards at the head of our sea affairs, and very able in that knowledge. He was of the most gentle and humane disposition I ever knew, and spent almost the whole he got in the most generous acts of charity and compassion. I had a long and intimate acquaintance with him, and have seen where his temper has been tried by much provocation, but I never saw him discomposed. He had a very good understanding, great plainness of manners, and a steadiness of courage that no danger could daunt, with the same calmness in it that he shewed in the most ordinary acts of his life. He was indeed a person of most extraordinary worth, and the world bore him a respect that was due to it. His father was a captain of a man of war before the restoration, and very likely after that: but dying when this son was young, and the mother marrying a quaker, he was bred up among that people; by which he acquired the simplicity of his manners, and had much of their fashion in his speech as well as carriage. And all this, with his particular roughness of countenance, made the softness of his nature still more pleasing, because unexpected at his first appearance. O.

plies that we had stipulated; it was a particular happiness, that the Spaniards were so weak, as not to be able to take advantage of the naked and unguarded state in which the Portugueze were at this time. 1708.

In the end of October, George prince of Denmark died, in the fifty-sixth year of his age, after he had been twenty-five years and some months married to the queen: he was asthmatical, which grew on him with his years: for some time he was considered as a dying man, but the last year of his life he seemed to be recovered to a better state of health. The queen had been, during the whole course of her marriage, an extraordinary tender and affectionate wife: and in all his illness, which lasted some years, she would never leave his bed; but sat up, sometimes half the night in the bed by him, with such care and concern, that she was looked on very deservedly as a pattern in this respect. Prince George's death.

This prince had shewn himself brave in war, both in Denmark and in Ireland. His temper was mild and gentle: he had made a good progress in mathematics: he had travelled through France, Italy, and Germany, and knew much more than he could well express; for he spoke acquired languages ill and ungracefully. He was free from all vice: he meddled little in business, even after the queen's accession to the crown: he was so gained to the tories, by the act which they carried in his favour, that he was much in their interest: he was unhappily prevailed with to take on him the post of high-admiral, of which he understood little; but was fatally led by those who had credit with him, who had not all of them his good qualities, but had both an ill temper And character.

1708. and bad principles[f]: his being bred to the sea gained him some credit in those matters. In the conduct of our affairs, as great errors were com-
516 mitted, so great misfortunes had followed on them: all these were imputed to the prince's easiness, and to his favourites' ill management and bad designs. This drew a very heavy load on the prince, and made his death to be the less lamented[g]: the queen was not only decently, but deeply affected with it.

A new ministry.

The earl of Pembroke was now advanced to the post of high-admiral; which he entered on with great uneasiness, and a just apprehension of the difficulty of maintaining it well in a time of war: he was at that time both lord president of the council and lord lieutenant of Ireland. The earl of Wharton had the government of Ireland, and the lord Somers was made lord president of the council[h]. The great

[f] (Admiral Churchill, the brother of the duke of Marlborough, is here principally intended, and his political principles, as he was a tory, condemned.)

[g] ("In the prosecution of the "inquiry (into the great losses "of the merchants at sea,) great "abuses were discovered in the "department of the admiralty, "which was managed by a "council, in the name of the "prince of Denmark, who bore "the name, but not the power "of lord admiral." *Macpherson's Hist. of Great Britain*, vol. III. ch. 7. p. 382. Ralph also, in his Answer to the Duchess of Marlborough's Account of her Conduct, affirms, that our whole marine was at this time most deplorably managed by the council of the admiralty, p. 211.)

[h] (The following account of these appointments is given by Mr. Hamilton, a descendant of that duke of Hamilton who was killed in 1712. In his preface to his *Transactions during the Reign of Queen Anne*, published in 1790, he mentions family memoirs as the authorities which form the basis of his work. At p. 110 he writes thus: "On "being nominated high-admi-"ral, lord Pembroke of course "resigned both the presidency "of the council and the go-"vernment of Ireland. Lord "Somers, who had been totally "overlooked in all the political "arrangements of this reign, "was appointed president of "the council; and lord Whar-

capacity and inflexible integrity of this lord, would have made his promotion to this post very accept- 1708.

" ton, professing himself a " whig, but intrinsically void of " moral or religious principles, " who with mischievous abili- " ties had long been a thorn in " the ministers sides, was ap- " pointed lord lieutenant of Ire- " land. Lord Dorset and others " were sworn in members of " her majesty's privy council, " and gratified to the full ex- " tent of their wishes. It " may not be amiss in this " place to detail the circum- " stances attending the minis- " ter's deviation from his ori- " ginal system, and give a par- " ticular account of the extra- " ordinary means employed by " lord Wharton to recommend " himself so suddenly to Go- " dolphin's notice. The mar- " quis of Annandale happened " to have in his possession one " of the treasurer's original let- " ters to the court of St. Ger- " mains. By insinuating his " certain knowledge of lord " Godolphin's secret and tick- " lish manœuvres with the ex- " cluded prince, while a peti- " tion of his lay pending a- " gainst an undue return in " the election of one of the " peers for Scotland, the full " support of government was " instantaneously afforded to " seat him in the house of " peers. Lord Wharton, hav- " ing got wind of this cir- " cumstance, entered into an " immediate treaty with the " marquis for his miraculous " manuscript. (Compare Bur- " net below, at p. 519 folio " edit.) For some considera- " tion, either given or pro- " mised, it was readily trans- " ferred to him. No sooner " was lord Godolphin apprised " of his lying at the mercy of " lord Wharton, than he be- " came as pliant and gracious " as he had, a while before, " been lofty and distant. In " the height of his alarm, he, " with all expedition, imparted " the serious tidings to the " duke of Marlborough; who, " without loss of time, directed " him, by all possible means, " to be speedy in hushing the " business, and giving to the " holder of the letter whatever " he should ask. Lord Whar- " ton was not of a selfish na- " ture; he regarded his friends; " he contented himself with " the government of Ireland " for his own share; and in- " sisted upon the privy seal for " lord Somers, the admission " in council of lord Dorset, " and some other douceurs for " other friends. MS. Anec- " dotes." At p. 120, Mr. Hamilton proceeds in his account of this curious transaction: " While these debates occu- " pied the attention of parlia- " ment, the trepidations of the " lord treasurer were unde- " scribable. The urgent neces- " sity of an ample act of grace, " both for his own and Marl- " borough's protection, mani- " fested itself more and more " every moment. The latter, " whom private business no " longer kept on the continent,

1708. able to the whigs at any juncture, but it was most particularly so at this time: for it was expected, that propositions for a general peace would be quickly made; and so they reckoned, that the management of that, upon which not only the safety of the nation, but of all Europe depended, was in sure hands,

" impatiently pressed the minister to expedite that salutary measure. Godolphin needed no spurring to be quickened in his pace; but he dreaded to breathe a syllable on the subject, while his newly acquired friend, the mischievous Wharton, remained in the kingdom. Entreaties and promises were not spared, to persuade him to repair to Ireland, and take possession of his viceroyalty: temporary embarrassments were pleaded as the causes of delay: these the treasurer instantly removed with a considerable pecuniary aid. All excuses for tarrying longer in the kingdom being thus obviated, lord Wharton was forced to leave London, fully resolved to make further use of his precious talisman. No sooner, however, was the lord lieutenant's back turned, than the famous bill was introduced; and so rapidly was it pushed through the houses, that the first intelligence received by his excellency on reaching Dublin was, that the minister had fairly worked himself out of his clutches, and was perfectly safe under the potent shield of an act of grace, pointedly and especially pardoning all correspondence with the court of St. Germain. MS. Anecdotes." Macpherson, in his History of Great Britain, which was published in 1775, had before given the substance of this account. See vol. II. ch. 7. p. 406. On the act of grace, which comprehended every species of treason, except such as had been committed on the high seas, and which was proposed by Marlborough's son-in-law, the earl of Sunderland, archdeacon Coxe, in his life of the former, makes the following observation: " This act could not be otherwise than agreeable to Godolphin and Marlborough, and to the numerous persons, of all ranks and descriptions, who, since the abdication of James, had carried on a correspondence, either by letter or message, with the Stuart family, and who had been held in perpetual anxiety, lest, by some unforeseen change of politics, the sympathy which they had shewn towards their dethroned sovereign should be visited with the heaviest vengeance of the law." Vol. III. ch. 78. p. 20.)

when he was set at the head of the councils, upon whom neither ill practices nor false colours were like to make any impression. Thus the minds of all those who were truly zealous for the present constitution were much quieted by this promotion; though their jealousies had a deep root, and were not easily removed. 1708.

A new parliament opened.

The parliament was opened in the middle of November with great advantage: for the present ministry was now wholly such, that it gave an entire content to all who wished well to our affairs; and the great successes abroad silenced those who were otherwise disposed to find fault and to complain. The queen did not think it decent for her to come to parliament during this whole session; so it was managed by a commission representing her person. Sir Richard Onslow was chosen speaker without the least opposition: he was a worthy man, entirely zealous for the government; he was very acceptable to the whigs [i], and the tories felt that they had so little strength in this parliament, that they resolved to lie silent, and to wait for such advantages as the circumstances of affairs might give them. In the house of commons, the supplies that were demanded were granted very unanimously, not only for maintaining the force then on foot, but for an augmentation of

[i] He was a very trifling, vain man, of a ridiculous figure; full of party zeal, by which he expected to go shares in the company's merits, though he brought little to the common stock, besides being descended from one of Oliver's lords; which introduced him at last into the house of lords, notwithstanding the contemptible denomination of Stiff Dick, usually given him by the whole party, except bishop Burnet, and a few solemn nonconformists, who looked upon him with reverence, as a man greatly gifted. D. (He was uncle of speaker Onslow. Compare notes at pp. 318, 432, folio edit.)

1708. 10,000 more: this was thought necessary to press the war with more force, as the surest way to bring on a speedy peace: the States agreed to the like augmentation on their side. The French, according to their usual vanity, gave out, that they had great designs in view for the next campaign: and it was confidently spread about by the Jacobites, that a
517 new invasion was designed, both on Scotland and on Ireland. At the end of the campaign, prince Eugene went to the court of Vienna, which obliged the duke of Marlborough to stay on the other side till he returned. Things went on in both houses according to the directions given at court, for the court being now joined with the whigs, they had a clear majority in every thing: all elections were judged in favour of whigs and courtiers, but with so much partiality [k], that those who had formerly made loud complaints of the injustice of the tories in determining elections, when they were a majority, were not so much as out of countenance when they were reproached for the same thing: they pretended they were in a state of war with the tories, so that it was reasonable to retaliate this to them on the account of their former proceedings; but this did not satisfy just and upright men, who would not do to others that which they had complained of, when it was done to them or to their friends. The house of commons voted a supply of seven millions for the service of the ensuing year: the land-tax and the duty on malt were readily agreed to; but it took some time to find a fund for the rest that they had voted.

[k] See antea, p. 411. (324.) O.

A petition of a new nature was brought before the lords, with relation to the election of the peers from Scotland: there was a return made in due form, but a petition was laid before the house in the name of four lords, who pretended that they ought to have been returned: the duke of Queensbury had been created a duke of Great Britain, by the title of duke of Dover, yet he thought he had still a right to vote as a peer of Scotland: he had likewise a proxy [l], so that two votes depended on this point, whether the Scotch peerage did sink into the peerage of Great Britain [m]. Some lords who were prisoners in the castle of Edinburgh on suspicion, as favouring the pretender, had sent for the sheriff of Lothian to the castle, and had taken the oaths before him; and upon that were reckoned to be qualified to vote or make a proxy; now it was pretended that the castle of Edinburgh was a constabulatory, and was out of the sheriff's jurisdiction; and that therefore he could not legally tender them the oaths: some proxies were signed without subscribing witnesses, a form necessary by their law: other exceptions were also taken from some rules of the law of Scotland, which had not been observed. The clerks being also complained of, they were sent for, and were ordered to bring up with them all instruments or documents relating to the election: when they came up, and every thing was laid before the house of lords, the whole matter was long and well debated. 1709. Debates concerning the elections of the peers of Scotland.

As to the duke of Queensbury's voting among the Scotch lords, it was said, that if a peer of Scotland, being made a peer of Great Britain, did still retain his interest in electing the sixteen from Scotland, 518 A Scottish peer created a peer of Great Britain was to have no vote there.

[l] (Lodged with him.) [m] See postea, p. 586, 587. O.

1709. this would create a great inequality among peers; some having a vote by representation as well as in person: the precedent was mischievous, since by the creating some of the chief families in Scotland peers of Great Britain, they would be able to carry the whole election of the sixteen as they pleased. It was objected, that by a clause in the act passed since the union, the peers of England (who were likewise peers of Scotland) had a right to vote in the election of Scotland still reserved to them, so there seemed to be a parity in this case with that: but it was answered, that a peer of England and a peer of Scotland held their dignity under two different crowns, and by two different great seals: but Great Britain including Scotland as well as England, the Scotch peerage must now merge in that of Great Britain: besides, that there were but five, who were peers of both kingdoms before the union [n]; so that, as it might be reasonable to make provision for them, so was it of no great consequence; but if this precedent were allowed, it might go much further, and have very ill consequences. Upon a division of the house, the matter was determined against the duke of Queensbury [o].

[n] And they were allowed it for no other reason, but because they could not be well separated from the duke of Marlborough, who was baron of Aymouth in Scotland, and would have it so: which was reason enough at that time for the most unreasonable things that could be done; and he seemed to like them the better for being so, as they gave the greater proof of his absolute power. And when the authority of the crown was not sufficient, the whole legislature was called upon to assist; as in the settlement of his titles, and of the honour of Woodstock, with the revenue annexed to it, &c. D.

[o] (In this form of words, that he claiming to be duke of Dover in England, could not vote as a Scotch peer.)

A great deal was said both at the bar by lawyers, and in the debate in the house, upon the point of jurisdiction, and of the exemption of a constabulatory: it was said, that the sheriffs' court ought to be, as all courts were, open and free; and so could not be held within a castle or prison: but no express decision had ever been made in this matter. The prisoners had taken the oaths, which was the chief intent of the law, in the best manner they could; so that it seemed not reasonable to cut them off from the main privilege of peerage, that was reserved to them, because they could not go abroad to the sheriffs' court: after a long debate, it was carried that the oaths were duly tendered to them. Some other exceptions were proved and admitted, the returns of some, certifying that they had taken the oaths, were not sealed, and some had signed these without subscribing witnesses: other exceptions were offered from provisions the law of Scotland had made with relation to bonds and other deeds, which had not been observed in making of proxies: but the house of lords did not think these were of that importance, as to vacate the proxies on that account. So, after a full hearing, and a debate that lasted many days, there was but one of the peers, that was returned, who was found not duly elected, and only one of the petitioning lords was brought into the house; the marquess of Annandale was received, and the marquess of Lothian was set aside. 1709. Other exceptions were determined. 519

The Scotch members in both houses were divided into factions. The duke of Queensbury had his party still depending on him: he was in such credit with the lord treasurer and the queen, that all the posts in Scotland were given to persons recommended by A faction among the Scots.

1709. him: the chief ministers at court seemed to have laid it down for a maxim, not to be departed from, to look carefully to elections in Scotland; that the members returned from thence might be in an entire dependance on them, and be either whigs or tories, as they should shift sides[p]. The duke of Queensbury was made third secretary of state; he had no foreign province assigned him, but Scotland was left to his management[q]: the dukes of Hamilton, Montross, and Roxburgh, had set themselves in an opposition to his power, and had carried many elections against him: the lord Somers and Sunderland supported them, but could not prevail with the lord treasurer to bring them into an equal share of the administration; this had almost occasioned a breach; for the whigs, though they went on in a conjunction with the lord treasurer, yet continued still to be jealous of him[r].

An act concerning

Another act was brought in and passed in this

[p] (Cole, in a MS. note, remarks, that the author has given an excellent account of his countrymen.)

[q] I presume the party the bishop mentions did the business for him, for he did not seem capable of doing much himself. His secretary's place was almost a sinecure, though he had the same appointments and an equal share in the profits with the other secretaries. When I came into the office, he had a province assigned him, which was Russia, Poland, Sweden, and Denmark; and the seventeen provinces were taken from the southern province, and annexed to what was called the northern before. When he died, I carried his seals to the queen: in the outward room I met the duke of Buckingham, who with a very grave face, told me, he thought he was a great loss to the whole court; for every body might reasonably plead, that they deserved as much as the duke of Queensbury. D. (Compare note at p. [360.] folio edit.)

[r] Amongst lord Somers's papers was one containing the points which the whigs insisted upon lord Godolphin's compliance with them in, before they could bring themselves to support his administration. There were many national points touched upon in it, as well as some personal ones. H.

session, with relation to Scotland, which gave occasion to great and long debates[s]; what gave rise to it was this: upon the attempt made by the pretender, many of the nobility and gentry of Scotland, who had all along adhered to that interest, were secured; and after the fleet was got back to Dunkirk, and the danger was over, they were ordered to be brought up prisoners to London; when they came, there was no evidence at all against them, so they were dismissed, and sent back to Scotland. No exceptions could be taken to the securing them, while there was danger: but since nothing besides presumptions lay against them, the bringing them up to London, at such a charge, and under such a disgrace, was much censured, as an unreasonable and an unjust severity; and was made use of to give that nation a further aversion to the union. That whole matter was managed by the Scotch lords then

1709.

trials of treasons in Scotland.

[s] (For an account of this struggle in Scotland respecting the elections, when Sunderland and the other whigs united themselves with the Jacobites against the ministry, see Ralph's Answer to the Account of the Duchess of Marlborough's Conduct, p. 379—382. and his Use and Abuse of Parliaments, vol. I. p. 158. with Coxe's Life of the Duke of Marlborough, vol. II. ch. lxvii. p. 436—438. When the duke of Hamilton, who, as it appears from Lockhart's Memoirs, as well as other authorities, intrigued in support of the attempt to invade Scotland in the preceding year, was brought up to London, he was bailed, according to Oldmixon's account, p. 450, by the duke of Newcastle, and the earls of Wharton and Halifax. Hamilton's engagement at this time with the whigs to carry against lord Godolphin the elections in Scotland, is boasted of by Lockhart as an able measure, conducing to the safety of the then disappointed Jacobites. See page 3. and Laing's History of Scotland, vol. IV. part xii. p. 390. Cole's State Papers, p. 63, allude to the duke of Hamilton's practices in favour of the house of Stuart, carried on eight years before this time, when he wished to recall king James to that country, which he had originally advised him not to leave.)

1709. in the ministry, by which they both revenged themselves on some of their enemies, and made a show of zeal for the government; though such as did not believe them sincere in these professions, thought it was done on design to exasperate the Scots the more, and so to dispose them to wish for another invasion. The whig ministry in England disowned all these proceedings, and used the Scots prisoners so well, that they went down much inclined to concur with them: but the lord Godolphin fatally adhered to the Scotch ministers, and supported them, by which the advantage that might have been made from these severe proceedings was lost; but the chief occasion given to the act concerning treasons in Scotland, was from a trial of some gentlemen of that kingdom who had left their houses, when the pretender was on the sea, and had gone about armed, and in so secret and suspicious a manner, that it gave great cause of jealousy: there was no clear evidence to convict them, but there were very strong, if not violent presumptions against them: some forms in the trial had not been observed, which the criminal court judged were necessary, and not to be dispensed with. But the queen's advocate, sir James Stuart, was of another mind: the court thought it was necessary by their laws, that the names of the witnesses should have been signified to the prisoners fifteen days before their trial: but the queen's advocate had not complied with this, as to the chief witnesses; so the court could not hear their evidence: he did not upon that move for a delay, so the trial went on, and the gentlemen were acquitted. Severe expostulations passed between the queen's advocate and the court: they

complained of one another to the queen, and both sides justified their complaints in print. Upon this it appeared, that the laws in Scotland, concerning trials in cases of treason, were not fixed nor certain: so a bill was brought into the house of commons, to settle that matter; but it was so much opposed by the Scotch members, that it was dropt in the committee: it was taken up and managed with more zeal by the lords. 1709.

It consisted of three heads: all crimes which were high treason by the law of England (and these only) were to be high treason in Scotland: the manner of proceeding settled in England was to be observed in Scotland; and the pains and forfeitures were to be the same in both nations. The Scotch lords opposed every branch of this act: they moved, that all things that were high treason by the law of England might be enumerated in the act for the information of the Scotch nation: otherwise they must study the book of statutes to know when they were safe, and when they were guilty. To this it was answered, that direction would be given to the judges to publish an abstract of the laws of high treason, which would be a sufficient information to the people of Scotland in this matter: that nation would by this means be in a much safer condition than they were now; for the laws they had were conceived in such general words, that the judges might put such constructions on them as should serve the ends of a bad court; but they would by this act be restrained in this matter for the future. The heads of the act.

The second head in this bill occasioned a much longer debate: it changed the whole method of proceedings in Scotland: the former way there was, 521 The forms of proceeding in Scotland.

1709. the queen's advocate signed a citation of the persons, setting forth the special matter of high treason of which they were accused; this was to be delivered to them, together with the names of the witnesses, fifteen days before the trial. When the jury was empanneled, no peremptory challenges were allowed; reasons were to be offered with every challenge, and if the court admitted them, they were to be proved immediately. Then the matter of the charge, which is there called the relevancy of the libel, was to be argued by lawyers, whether the matter, suppose it should be proved, did amount to high treason or not; this was to be determined by a sentence of the court called the Interloquitur: and the proof of the fact was not till then to be made: of that the jury had the cognizance. Anciently the verdict went with the majority, the number being fifteen; but by a late act, the verdict was to be given upon the agreement of two third parts of the jury: in the sentence, the law did not limit the judges to a certain form, but they could aggravate the punishment, or moderate it, according to the circumstances of the case. All this method was to be set aside: a grand jury was to find the bill, the judges were only to regulate proceedings, and to declare what the law was, and the whole matter of the indictment was to be left entirely to the jury, who were to be twelve, and all to agree in their verdict.

In one particular, the forms in Scotland were much preferable to those in England; the depositions of the witnesses were taken indeed by word of mouth, but were writ out, and after that, were signed by the witnesses; they were sent in to the jury;

and these were made a part of the record. This 1709.
was very slow and tedious, but the jury, by this means, was more certainly possessed of the evidence; and the matter was more clearly delivered down to posterity: whereas the records in England are very defective, and give no light to a historian that peruses them, as I found when I wrote the History of the Reformation.

The Scotch opposed this alteration of their way of proceeding; they said, that neither the judges, the advocates, nor the clerks would know how to manage a trial of treason: they insisted most on the having the names of the witnesses, to be given to the persons some days before their trial: it seemed reasonable, that a man should know who was to be brought to witness against him, that so he might examine his life, and see what credit ought to be given to him: on the other hand it was said, this would open a door to much practice, either upon 522
the witnesses to corrupt them, or in suborning other witnesses, to defame them. To this it was answered, that a guilty man knew what could be brought against him, and without such notice would take all the methods possible to defend himself: but provision ought to be made for innocent men, whose chief guilt might be a good estate, upon which a favourite might have an eye: and therefore such persons ought to be taken care of. This was afterwards so much softened, that it was only desired, that the names of the witnesses that had given evidence to the grand jury should, upon their finding the bill, be signified to the prisoner five days before his trial. Upon a division of the house on this question, the votes were equal; so by the rule of the

1709. house, that in such a case the negative prevails, it was lost. Upon the third head of the bill, the debates grew still warmer: in Scotland many families were settled by long entails and perpetuities; so it was said, that since, by one of the articles of the union, all private rights were still preserved, no breach could be made on these settlements. I carried this further; I thought it was neither just nor reasonable to set the children on begging for their fathers' faults [t]: the Romans, during their liberty, never thought of carrying punishment so far: it was an invention under the tyranny of the emperors, who had a particular revenue called the Fisc, and all forfeitures were claimed by them, from whence they were called confiscations: it was never the practice of free governments: Bologna flourished beyond any town in the pope's dominions, because they made it an article of their capitulation with the pope, that no confiscation should follow on any crime whatsoever. In Holland the confiscation was redeemable by so very small a sum, as an hundred guilders: many instances could be brought of prosecutions, only to obtain the confiscation: but none of the lords seconded me in this; it was acknowledged, that this was just and reasonable, and fit to be passed in good times; but since we were now exposed to so much danger from abroad, it did not seem advisable to abate the severity of the law: but clauses were agreed to, by which, upon marriages, settlements might be made in Scotland, as

Of the forfeitures in cases of treason.

[t] I have ever been most strenuously for this, notwithstanding a very learned and able treatise upon Forfeitures written by my friend, the honourable Mr. Charles Yorke, now solicitor general. O. (*It was first printd in 1745.*)

was practised in England; for no estate is forfeited for the crime of him who is only tenant for life. By this act also, tortures were condemned, and the queen was empowered to grant commissions of Oyer and Terminer, as in England, for trying treasons: the Scotch insisted on this, that the justiciary or the criminal court being preserved by an article of the union, this broke in upon that. It was answered, the criminal court was still to sit in the times regulated: but these commissions were granted upon special occasions. In the intervals, between the terms, it might be necessary upon some emergency not to delay trials too long: but to give some content, it was provided by a clause, that a judge of the criminal court should be always one of the quorum, in these commissions: so the bill passed in the house of lords, notwithstanding the opposition of all the Scotch lords, with whom many of the tories concurred; they being disposed to oppose the court in every thing, and to make treason as little to be dreaded as possible. 1709. 523

The bill met with the same opposition in the house of commons; yet it passed with two amendments: by one, the names of the witnesses that had appeared before the grand jury were ordered to be sent to the prisoner ten days before his trial [u]: the other was, that no estate in land was to be forfeited upon a judgment of high treason: this came up fully to the motion I had made. Both these amendments were looked on as such popular things, that it was not probable that the house of commons Amendments to the act.

[u] It is to be a list of the names of the witnesses who are to be produced at the trial, and of the jury also. See the act 7th of Anne, chap. 21. O.

1709. would recede from them: upon that, the whigs in the house of lords did not think fit to oppose them, or to lose the bill: so it was moved to agree to these amendments, with this proviso, that they should not take place till after the death of the pretender: it was said, that since he assumed the title of king of Great Britain, and had so lately attempted to invade us, it was not reasonable to lessen the punishment and the dread of treason as long as he lived. Others objected to this, that there would be still a pretender after him, since so many persons stood in the lineal descent before the house of Hanover; so that this proviso seemed to be, upon the matter, the rejecting the amendment: but it was observed, that to pretend to the right of succeeding, was a different thing from assuming the title, and attempting an invasion. The amendment was received by the house of lords with this proviso; those who were against the whole bill did not agree to it. The house of commons consented to the proviso which the lords had added to their amendment, with a further addition, that it should not take place till three years after the house of Hanover should succeed to the crown [v].

This met with great opposition; it was considered

[v] It is now extended till after the death of the pretender's sons. O. ("Burnet, bishop "of Sarum, humanely pro- "posed to abolish forfeiture "and corruption of blood; "and not to disinherit the "innocent offspring for the "crimes of their father. As "these popular amendments "were resumed by the com- "mons, the peers agreed to "suspend their effects till the "death of the pretender, in the "artful expectation that the "consequences of attainder "might be rendered perpetual "by a succeeding parliament, "as they were afterwards pro- "longed during the lives of his "sons." Blackstone, IV. 384. Laing's *Hist. of Scotland*, vol. IV. b. xii. p. 393.)

as a distinguishing character of those who were for or against the present constitution and the succession; the Scots still opposing it on the account of their formal laws: both parties mustered up their strength, and many, who had gone into the country, were brought up on this occasion: so that the bill, with all the amendments and provisos, was carried by a small majority; the lords agreeing to this new amendment. The Scotch members in both houses seemed to apprehend, that the bill would be very odious in their country; so to maintain their interest at home, they, who were divided in every thing else, did agree in opposing this bill [x]. 1709. It passed in both houses. 524

The court apprehended from the heat with which the debates were managed, and the difficulty in carrying the bill through both houses, that ill disposed men would endeavour to possess people with apprehensions of bad designs and severities that would be set on foot; so they resolved to have an act of grace immediately upon it: it was the first the queen had sent, though she had then reigned above seven years: the ministers, for their own sake, took care that it should be very full; it was indeed fuller than any former act of grace, all treasons committed before the signing the act, which was the 19th of April, were pardoned, those only excepted that were done upon the sea: by this, those who had embarked with the pretender were still at mercy. This act, according to form, was read once in both houses, An act of grace.

[x] One of the reasons for this bill was, with many people here, the hopes that it might, with the English constitution of the new court of exchequer there, be an introduction (in time) of the laws of England in general into Scotland, that there might be in both countries but one "*lex, rex, grex.*" King James the first's words. O.

1709. and with the usual compliments of thanks; and with that the session ended [y].

An enlargement of the bank.

Other things of great importance passed during this session: the house of commons voted an enlargement of the bank, almost to three millions, upon which, the books were opened to receive new subscriptions: and to the admiration of all Europe, as well as of ourselves at home, the whole sum was subscribed in a few hours' time: this shewed both the wealth of the nation, and the confidence that all people had in the government. By this subscription, and by a further prolongation of the general mortgage of the revenue, they created good funds for answering all the money that they had voted in the beginning of the session.

Great riches in Portugal.

Our trade was now very high; and was carried on every where with advantage, but no where more than at Lisbon: for the Portugueze were so happy in their dominions in America, that they discovered vast quantities of gold in their mines, and we were assured that they had brought home to Portugal, the former year, about four millions sterling, of which they, at that time, stood in great need, for they had a very bad harvest: but gold answers all things: they were supplied from England with corn, and we had in return a large share of their gold.

An act for a general naturalization of all protestants.

An act passed in this session that was much desired, and had been often attempted, but had been laid aside in so many former parliaments, that there was scarce any hopes left to encourage a new attempt: it was for naturalizing all foreign protestants, upon their taking the oaths to the government, and their receiving the sacrament in any protestant

[y] (See note before, at p. 510. folio edit.)

church. Those who were against the act, soon perceived that they could have no strength, if they should set themselves directly to oppose it; so they studied to limit strangers in the receiving the sacrament, to the way of the church of England. This probably would not have hindered many, who were otherwise disposed to come among us: for the much greater part of the French came into the way of our church. But it was thought best to cast the door as wide open as possible for encouraging of strangers: and therefore since, upon their first coming over, some might choose the way to which they had been accustomed beyond sea, it seemed the more inviting method to admit of all who were in any protestant communion: this was carried in the house of commons with a great majority; but all those who appeared for this large and comprehensive way were reproached for their coldness and indifference in the concerns of the church: and in that I had a large share[z]; as I spoke copiously for it when it was brought up to the lords: the bishop of Chester[a] spoke as zealously against it, for he seemed resolved to distinguish himself as a zealot for that which was called high church. The bill passed with very little opposition. 1709.

An address to the queen when a treaty of peace should be opened.

There was all this winter great talk of peace; which the miseries and necessity of France seemed to drive them to: this gave occasion to a motion, concerted among the whigs, and opened by the lord Halifax, that an address should be made to the queen, to conclude no peace with France, till they should disown the pretender, and send him out of

[z] Dog. S. [a] Sir William Dawes. O.

1709. that kingdom, and till the protestant succession should be universally owned, and that a guarantee should be settled among the allies for securing it. None durst venture to oppose this, so it was easily agreed to, and sent down to the house of commons for their concurrence. They presently agreed to it, but added to it a matter of great importance, that the demolishing of Dunkirk should be likewise insisted on, before any peace were concluded: so both houses carried this address to the queen, who received and answered it very favourably. This was highly acceptable to the whole nation, and to all our allies. These were the most considerable transactions of this session of parliament, which was concluded on the 21st of April.

The convocation was put off by a prorogation.

The convocation was summoned, chosen, and returned as the parliament was: but it was too evident, that the same ill temper that had appeared in former convocations did still prevail, though not with such a majority: when the day came in which it was to be opened, a writ was sent from the queen to the archbishop, ordering him to prorogue the convocation for some months: and at the end of
526 these, there came another writ, ordering a further prorogation: so the convocation was not opened during this session of parliament; by this, a present stop was put to the factious temper of those who studied to recommend themselves by embroiling the church.

A faction among the clergy of Ireland.

It did not cure them; for they continued still, by libels and false stories, to animate their party: and so catching a thing is this turbulent spirit, when once it prevails among clergymen, that the same ill tem-

per began to ferment and spread itself among the clergy of Ireland; none of those disputes had ever been thought of in that church formerly, as they had no records nor minutes of former convocations. The faction here in England found out proper instruments to set the same humour on foot during the earl of Rochester's government, and, as was said, by his directions; and it being once set a going, it went on by reason of the indolence of the succeeding governors: so the clergy were making the same bold claim there, that had raised such disputes among us[b]; and upon that, the party here published those pretensions of theirs, with their usual confidence, as founded on a clear possession and prescription; and drew an argument from that to justify and support their own pretensions, though those in Ireland never dreamed of them till they had the pattern and encouragement from hence. This was received by the party with great triumph; into such indirect practices do men's ill designs and animosities engage them: but though this whole matter was well detected, and made appear to their shame who had built so much upon it, yet parties are never out of countenance; but when one artifice fails, they will lay out for another. The secret encouragement with which they did most effectually animate their party was, that the queen's heart was with them: and that though the war and the other circumstances of her affairs obliged her at present to favour the moderate party, yet, as soon as a peace brought on a better settlement, they promised themselves all favour at her hands. It was not certain that they had

1709.

An ill temper among our clergy still kept up.

[b] Dog, dog, dog. S.

1709. then any ground for this, or that she herself, or any by her order, gave them these hopes; but this is certain, that many things might have been done to extinguish those hopes which were not done, so that they seemed to be left to please themselves with those expectations, which kept still life in their party: and indeed it was but too visible, that the much greater part of the clergy were in a very ill temper, and under very bad influences; enemies to the toleration, and soured against the dissenters.

Negotiations for peace.

I now must relate the negotiations that the French set on foot for a peace. Soon after the battle of 527 Ramellies[c], the elector of Bavaria gave out hopes of a peace; and that the king of France would come to a treaty of partition: that Spain and the West Indies should go to king Charles, if the dominions of Italy were given to king Philip. They hoped that England and the States would agree to this, as less concerned in Italy: but they knew the court of Vienna would never hearken to it: for they valued the dominions in Italy, with the islands near them, much more than all the rest of the Spanish monarchy[d]. But at the same time that Lewis the XIVth was tempting us with the hopes of Spain and the West Indies, by a letter to the pope that king offered the dominions in Italy to king Charles. The parliament had always declared the ground of the war to be, the restoring the whole Spanish monarchy to the house of Austria, (which indeed the States

[c] (Which took place in May 1706. See above, p. 450, folio edit.)

[d] As being nearer their German dominions, and more suited to the title of Roman emperor. The governments there, so near home, were very tempting to their great men. O.

had never done,) so the duke of Marlborough could not hearken to this: he convinced the States of the treacherous designs of the court of France in this offer, and it was not entertained. 1709.

The court of Vienna was so alarmed at the inclinations some had expressed towards the entertaining this project, that this was believed to be the secret motive of the treaty, the succeeding winter, for evacuating the Milanese, and of their persisting so obstinately, the summer after, in their designs upon Naples: for by this means they became masters of both. The French, being now reduced to great extremities by their constant ill success, and by the miseries of their people, resolved to try the States again; and when the duke of Marlborough came over to England, M. Rouillé was sent to Holland with general offers of peace, desiring them to propose what it was they insisted on: and he offered them as good a barrier for themselves as they could ask. The States, contrary to their expectation, resolved to adhere firmly to their confederates, and to enter into no separate treaty, but in conjunction with their allies; so, upon the duke of Marlborough's return, they, with their allies, began to prepare preliminaries to be first agreed to, before a general treaty should be opened: they had been so well acquainted with the perfidious methods of the French court, when a treaty was once opened, to divide the allies, and to create jealousies among them, and had felt so sensibly the ill effects of this, both at Nimeguen and Ryswick, that they resolved to use all necessary precautions for the future; so preliminaries were prepared, and the duke of Marlborough came

1709. over hither, to concert them with the ministry at home [e].

In this second absence of his, Mr. de Torcy, the secretary of state for foreign affairs, was sent to the
528 Hague, the better to dispose the States to peace, by the influence of so great a minister; no methods were left untried, both with the States in general, and with every man they spoke with in particular, to beget in them a full assurance of the king's sincere intentions for peace: but they knew the artifices of that court too well to be soon deceived; so they made no advances till the duke of Marlborough came back, who carried over the lord viscount Townshend, to be conjunct plenipotentiary with himself, reckoning the load too great to bear it wholly on himself. The choice was well made: for as lord Townshend had great parts, had improved these by travelling, and was by much the most shining person of all our young nobility, and had on many occasions distinguished himself very eminently; so he was a man of great integrity, and of good principles in all respects, free from all vice, and of an engaging conversation.

The preliminaries agreed on.

The foundation of the whole treaty was, the restoring of the whole Spanish monarchy to king Charles within two months: Torcy said the time

[e] And procure his own being made captain-general for life; which, without so much as mentioning of it to the queen, he endeavoured to get proposed in the house of commons, as a reward for his services during the war; and expected the whigs should all come into, in return for the great services he had lately done them: but lord Somers, who had no mind to be his grace's subject, acquainted the queen with it, and the danger she run, if it succeeded. Which put an effectual stop, and gave the queen a grateful sense of lord Somers's fidelity and integrity ever after. D. (See note above, p. 426, folio edit.)

was too short, and that perhaps it was not in the king of France's power to bring that about; for the Spaniards seemed resolved to stick to king Philip. It was, upon this, insisted on, that the king of France should be obliged to concur with the allies, to force it by all proper methods: but this was not further explained, for the allies were well assured, that if it was sincerely intended by France, there would be no great difficulty in bringing it about[f]. This, therefore, being laid down as the basis of the treaty, the other preliminaries related to the restoring all the places in the Netherlands, except Cambray and St. Omer; the demolishing or restoring of Dunkirk; the restoring of Strasbourg, Brisack, and Huningen to the empire; Newfoundland to England; and Savoy to that duke, besides his continuing possessed of all he then had in his hands; the acknowledging the king of Prussia's royal dignity, and the electorate in the house of Brunswick; the sending the pretender out of France, and the owning the succession to the crown of England, as it was settled by law. As all the great interests were provided for by these preliminaries, so all other matters were reserved to be considered when the treaty of peace should be opened: a cessation of all hostilities was to begin within two months, and to con- 1709.

[f] There was among lord Somers's papers a large bundle of letters from lord Townshend, but they related chiefly to the barrier treaty, and I do not recollect many anecdotes among them. I am sure there was no (f. an) account given in them of the duke of Marlborough's choosing to be out of the way when the barrier treaty was signed. It was imputed to his management for the court of Vienna, who had offered to make him governor-general of the Low Countries; but that he certainly refused. H. (Compare note afterwards, p. 598, folio edit.)

1709. tinue till all was concluded by a complete treaty, and ratified; provided the Spanish monarchy was then entirely restored. The French plenipotentiaries seemed to be confounded at these demands. Torcy excepted to the leaving Exilles and Fenestrella in the duke of Savoy's hands; for he said he had no instructions relating to them: but in conclusion they
529 seemed to submit to them, and Torcy at parting desired the ratifications might be returned with all possible haste, and promised that the king of France's final answer should be sent by the fourth of June; but spoke of their affairs as a man in despair: he said, he did not know but he might find king Philip at Paris before he got thither, and said all that was possible to assure them of the sincerity of the king of France, and to divert them from the thoughts of opening the campaign; but at the same time king Philip was getting his son the prince of Asturias, to be acknowledged by all the towns and bodies of Spain, as the heir of that monarchy.

The king of France refuses to ratify them.

Upon this outward appearance of agreeing to the preliminaries, all people looked upon the peace to be as good as made; and ratifications came from all the courts of the allies, but the king of France refused to agree to them: he pretended some exceptions to the articles relating to the emperor and the duke of Savoy; but insisted chiefly on that, of not beginning the suspension of arms till the Spanish monarchy should be all restored; he said, that was not in his power to execute; he ordered his minister afterwards to yield up all but this last; and by a third person, one Pettecum [g], it was offered, to put some

[g] (Minister of the duke of Holstein. According to Mesnager's account in the Negotiations attributed to him, Pet-

more towns into the hands of the allies, to be kept by them till Spain was restored. It appeared by this, that the French had no other design in all this negotiation, but to try if they could beget an ill understanding among the allies, or, by the seeming great concessions for the security of the States, provoke the people of Holland against their magistrates, if they should carry on the war, when they seemed to be safe; and they reckoned, if a suspension of arms could be once obtained upon any other terms than the restoring of Spain, then France would get out of the war, and the allies must try how they could conquer Spain. France had so perfidiously broke all their treaties during this king's reign, that it was a piece of inexcusable folly to expect any other from them. In the peace of the Pyrenees, where the interest of France was not so deeply engaged to preserve Portugal from falling under the yoke of Castile, as it was now to preserve Spain in the hands of a grandson; after the king had sworn to give no assistance to Portugal, yet, under the pretence of breaking some bodies, he suffered them to be entertained by the Portugueze ambassador, and sent Schomberg to command that army; pretending he could not hinder one, that was a German by birth, to go and serve where he pleased: under these pretences, he had broke his faith, where the consideration was not so strong as in the present case. Thus it was visible, no faith that king could give was to be relied on, and that unless Spain was restored, all 1709.

tecum, whom he had engaged in the interests of France, prevailed on the States, by means of the pensionary Heinsius, to consent to de Torcy's coming in a private character to the Hague with proposals for peace. See Mesnager's *Minutes of Negotiations*, &c. printed in 1715, p. 21.)

1709. would prove a fatal delusion: besides, it came afterwards to be known, that the places in Brabant and Hainault, commanded by the elector of Bavaria, would not have been evacuated by him, unless he had orders for it from the king of Spain, under whom he governed in them; and that was not to be expected: so the easiness with which the French ministers yielded to the preliminaries, was now understood to be an artifice, to slacken the zeal of the confederates, in advancing the campaign, as the least effect it would have: but in that their hopes failed them, for there was no time lost in preparing to take the field.

I do not mix with the relation that I have given upon good authority, the uncertain reports we had of distractions in the court of France, where it was said, that the duke of Burgundy pressed the making a peace, as necessary to prevent the ruin of France, while the Dauphin pressed more vehemently the continuance of the war, and the supporting of the king of Spain: it was said, that madam Maintenon appeared less at court; Chamillard, who had most of her favour, was dismissed: but it is not certain what influence that had on the public councils; and the conduct of this whole negotiation shewed plainly, that there was nothing designed in it, but to divide or to deceive the confederates; and, if possible, to gain a separate peace for France; and then to let the allies conquer Spain as they could [h]. But the

[h] The distress of France was so great, that the king was certainly in earnest for a peace; the regard he had all along shewn in so great a point to his family interest made him tenacious not to avow a total abandoning of his grandson; if a peace could not be made, the next point was to render the allies odious to the French nation, who in general sighed for peace. It is

allies kept firm to one another, and the treachery of the French appeared so visible, even to the people in Holland, that all the hopes they had, of inflaming them against their magistrates, likewise failed. The people in France were much wrought on by this pretended indignity offered to their monarch, to oblige him to force his grandson to abandon Spain; and even here in England there wanted not many, who said it was a cruel hardship put on the French king, to force him into such an unnatural war: but if he was guilty of the injustice of putting him in possession of that kingdom, it was but a reasonable piece of justice to undo what he himself had done: and it was so visible that king Philip was main- 1709.

too nice a point for one not an actor in the piece to determine whether the allies should have been satisfied with the assurance he gave, that he would not assist his grandson. Undoubtedly the army in Flanders must have been kept up, till Spain was reduced. H. (Somerville, amongst other reflections on the rejection of the French offers by the allies, says, "When "at length every essential de- "mand was yielded by the "French king, they still ex- "acted such securities for the "performance of his engage- "ments, as he could not grant "without violating every obli- "gation of honour and affec- "tion; namely, that he should "alone, and unassisted, per- "form the unnatural deed of "deposing his own grandson "within the space of two "months.——The evidence of "the French king's sincerity "in making offers of peace at "this time, may be rested en- "tirely upon the value and "extent of the concessions to "which he agreed.——Let any "person, after deliberately in- "vestigating the respective in- "terests of the allied powers, "estimate the full extent of "the advantages which would "have accrued to them se- "verally and jointly, from such "a peace as was now offered; "and let him say, whether the "rejection of it can be justified "upon any sound, moral, or "political principle?——If all "the rest of the conditions ac- "cepted by the French king "had been fulfilled, would it "have been possible for Philip, "single and unassisted, to have "supported his title against "the united and concentrated "force of so many potent ad- "versaries?" *History of Queen Anne*, ch. xvi. p. 293.)

1709. tained on that throne by the councils and assistance of France, that no doubt was made, but that, if the king of France had really designed it, he could easily have obliged him to relinquish all pretensions to that crown.

The war went on, Thus the negotiations came soon to an end; without producing any ill effect among the allies; and all the ministers at the Hague made great acknow-
531 ledgments to the pensioner Heinsius, and to the States, for the candour and firmness they had expressed on that occasion. The miseries of France were represented from all parts as extreme great; the prospect both for corn and wine was so low, that they saw no hope nor relief. They sent to all places for corn, to preserve their people; many of the ships that brought it to them were taken by our men of war; but this did not touch the heart of their king, who seemed to have hardened himself against the sense of the miseries of his people. Villars was sent to command the armies in Flanders, of whom the king of France said, that he was never beaten; Harcourt was sent to command on the Rhine, and the duke of Berwick in Dauphiny. This summer passed over without any considerable action in Spain:

In Portugal, there was an engagement on the frontier of Portugal, in which the Portugueze behaved themselves very ill, and were beaten; but the Spaniards did not pursue the advantage they had by this action: for they, apprehending that our fleet might have a design upon some part of their southern coast, were forced to draw their troops from the frontiers of Portugal, to defend their own coast; though we gave them no disturbance on that side.

In Spain, The king of France, to carry on the show of a

design for peace, withdrew his troops out of Spain, 1709.
but at the same time took care to encourage the Spanish grandees, and to support his grandson: and since it was visible, that either the Spaniards or the allies were to be deceived by him, it was much more reasonable to believe, that the allies and not the Spaniards were to feel the effects of this fraudulent way of proceeding. The French general Besons, who commanded in Arragon, had indeed orders not to venture on a battle, for that would have been too gross a thing to be in any wise palliated; but he continued all this summer commanding their armies. Nothing of any importance passed on the side of Dauphiny: the emperor continued still to refuse complying with the duke of Savoy's demands; so he would not make the campaign in person, and his troops kept on the defensive. On the other hand, the French, as they saw they were to be feebly attacked, were too weak to do any thing more than cover their own country. Little was expected on the Rhine; the Germans were so weak, so ill furnished, and so ill paid, that it was not easy for the court of Vienna to prevail on the elector of Brunswick to undertake the command of that army; yet he came at last: and upon his coming, the French, who had passed the Rhine, thought it was safest for them to repass that river, and to keep within their lines. The elector sent count Mercy, with a considerable body, to pass the Rhine near Basil, and on design to break into Franche Comté; but a detached body of the French lying in their way, there followed a very sharp engagement; 2000 men were reckoned to be killed on each side; but though the loss of men was reckoned equal, yet the design mis-

In Dauphiny,

In Germany,

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1709. carried, and the Germans were forced to repass the Rhine. The rest of the campaign went over there without any action.

And in Flanders. The chief scene was in Flanders; where the duke of Marlborough, trusting little to the shows of peace, had every thing in readiness to open the campaign, as soon as he saw what might be expected from the court of France. The army was formed near Lisle, and the French lay near Doway; the train of artillery was, by a feint, brought up the Lys to Courtray; so it was believed the design was upon Ypres, and there being no apprehension of any attempt on Tournay, no particular care was taken of it; but it was on the sudden invested, and the train was sent back to Ghendt, and brought up the Scheld to Tournay. The siege was carried on regularly: no disturbance was given to the works by sallies, so the town capitulated within a month, the garrison being allowed to retire into the citadel, which was counted one of the strongest in Europe, not only fortified with the utmost exactness, but all the ground was wrought into mines; so that the resistance of the garrison was not so much apprehended, as the mischief they might do by blowing up their mines. A capitulation was proposed for delivering it up on the fifth of September, if it should not be relieved sooner, and that all hostilities should cease till then. This was offered by the garrison, and agreed to by the duke of Marlborough; but the king of France would not consent to it, unless there were a general suspension, by the whole army, of all hostilities; and that being rejected, the siege went on. Many men were lost in it, but the proceeding by sap prevented much mischief; in the

Tournay is besieged and taken.

end no relief came, and the garrison capitulated in the beginning of September, but could obtain no better conditions than to be made prisoners of war[k]. 1709.

After this siege was over, Mons was invested, and the troops marched thither as soon as they had levelled their trenches about Tournay: but the court of France resolved to venture a battle, rather than to look on, and see so important a place taken from them. Boufflers was sent from court to join with

[k] I never could understand, and it seems a point fit to be cleared up in the military history of that time, why the duke of Marlborough, instead of engaging back again (as it were) in that circle of low country fortresses, did not avail himself of the possession of Lisle, to make an impression on the interior of France, and endeavour to drive the French monarch from his capital. There may have been very solid reasons for this conduct, but I was never master of them. H. (The duke of Argyle, in the year 1712, on the debate respecting the order sent to the duke of Ormond, not to engage in a pitched battle with the enemy, observes, that two years before, the confederates might have taken Arras or Courtray, instead of amusing themselves with the insignificant conquests of Aire, Bethune, and St. Venant. Consult Oldmixon's Hist. of these Reigns, p. 499, and Tindal's Continuation of Rapin, p. 261. This was in the year 1710. And in 1711, after the duke of Marlborough had passed the French lines, and was expected to advance into Picardy; the French, as Mesnager in his Minutes, mentioned above, relates, were in an ecstasy of pleasure at their deliverance, when they found that he was set down before Bouchain. See Mesnager's Minutes of Negotiations, p. 31. With regard to this conduct of the duke in not making the most of his glorious successes, archdeacon Coxe, in his Memoirs of the Duke of Marlborough, vol. III. ch. 79, after adducing many instances to prove that he did not direct the negotiations for peace, and observing, "that "the duke differed in many "material points from the ca- "binet, and was guided by po- "sitive instructions, which he "could not venture to trans- "gress;" adds, "that had he "indeed possessed the sole ma- "nagement of affairs in peace, "he would doubtless have "framed such conditions as "would have been accepted, "or would have made such "mighty preparations, as would "have enabled him to dictate "his own terms in the heart "of France," p. 48. See also ch. lxxviii. pp. 176, 177.)

1709. Villars in the execution of this design: they possessed themselves of a wood, and intrenched themselves so strongly, that in some places there were three intrenchments cast up, one within another. The duke of Marlborough and prince Eugene saw plainly, it was not possible to carry on the siege of Mons, while the French army lay so near it; so it was necessary to dislodge them. The attempt was bold, and they saw the execution would be difficult, and cost them many men. This was the sharpest action in the whole war, and lasted the longest. The French were posted so advantageously, that our men were oft repulsed; and indeed the French maintained their ground better, and shewed more courage than appeared in the whole course of the war: yet in conclusion they were driven from all their posts, and the action ended in a complete victory. The number of slain was almost equal on both sides, about 12,000 of a side[k]. We took 500 officers prisoners, besides many cannon, standards, and ensigns. Villars was disabled by some wounds he received, so Boufflers made the retreat in good order. The military men have always talked of this as the sharpest action in the whole war, not

533 The battle of Blarignies, (or Malplaquet,)

[k] ("The allies had an army of eighty thousand, the French were between sixty and seventy thousand. It was the most obstinate and bloody battle that occurred in the whole course of the war; and, if the greater loss of men may be reckoned among the proofs of a defeat, the pretensions of the confederates to victory appear extremely dubious. Almost the whole of the Dutch infantry were cut off in the field; and the joint loss of the allies, including killed and wounded, amounted, at the lowest computation, to eighteen, while the loss of the French probably did not exceed fifteen thousand men. Lediard's Life of the Duke of Marlborough, vol. II. p. 171; Military Hist. of Europe, p. 147; Quincy, vol. VI. p. 201." Somerville's *Hist. of Queen Anne*, ch. 14, p. 351.)

without reflecting on the generals for beginning so desperate an attack. The French thought it a sort of a victory, that they had animated their men to fight so well behind intrenchments, and to repulse our men so often, and with so great loss. They retired to Valenciennes, and secured themselves by casting up strong lines, while they left our army to carry on the siege of Mons, without giving them the least disturbance. As soon as the train of artillery was brought from Brussels, the siege was carried on with great vigour, though the season was both cold and rainy: the outworks were carried with little resistance, and Mons capitulated about the end of October; with that the campaign ended, both armies retiring into winter quarters. 1709. Mons besieged and taken.

The most important thing that relates to Italy was, that the pope delayed acknowledging king Charles by several pretended difficulties; his design being to stay and see the issue of the campaign; but when he was threatened, towards the end of it, that if it was not done, the imperial army should come and take up their winter quarters in the ecclesiastical state, he submitted, and acknowledged him. He sent also his nephew Albano, first to Vienna, and then to Poland; he furnished him with a magnificent retinue, and seemed to hope, that by the services he should do to the papal interests there, he should be pressed to make him a cardinal, notwithstanding the bull against nepotism [k]. Affairs in Italy.

[k] Which bull had been drawn by himself, in his predecessor's time, when there was no expectation of his own being ever pope; and therefore drawn in the strongest terms that could be devised: which stood much in his way for promoting his family afterwards; to which he was most passionately devoted. D.

1709. In Catalonia, Staremberg, after he received reinforcements from Italy, advanced towards the Segra, and having for some days amused the enemy, he passed the river: the Spaniards designed to give him battle, but Besons, who commanded the French troops, refused to engage; this provoked the Spaniards so much, that king Philip thought it was necessary to leave Madrid, and go to the army; Besons produced his orders from the king of France to avoid all engagements, with which he seemed much mortified. Staremberg advanced and took Balaguer, and made the garrison prisoners of war; and with that the campaign on that side was at an end.

Affairs in Spain.

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The king of Sweden's defeat.

This summer brought a catastrophe on the affairs of the king of Sweden: he resolved to invade Muscovy, and engaged himself so far into the Ukrain, that there was no possibility of his retreating, or of having reinforcements brought him. He engaged a great body of Cossacks to join him, who were easily drawn to revolt from the czar: he met with great misfortunes in the end of the former year, but nothing could divert him from his designs against Muscovy: he passed the Nieper, and besieged Pultowa: the czar marched to raise the siege, with an army in number much superior to the Swedes; but the king of Sweden resolved to venture on a battle, in which he received such a total defeat, that he lost his camp, his artillery, and baggage: a great part of his army got off, but being closely pursued by the Muscovites, and having neither bread nor ammunition, they were all made prisoners of war.

The king flies into Turkey.

The king himself, with a small number about him, passed the Nieper, and got into the Turkish dominions, and settled at Bender, a town in Mol-

davia. Upon this great reverse of his affairs, king Augustus pretended, that the resignation of the crown of Poland was extorted from him by force, and that it was not in his power to resign the crown, by which he was tied to the republic of Poland, without their consent: so he marched into Poland; and Stanislaus was not able to make any resistance, but continued under the protection of the Swedes, waiting for another reverse of fortune. A project was formed to engage the kings of Denmark and Prussia, with king Augustus and the czar, to attack the Swedes in so many different places, that the extravagant humour of their king was like now to draw a heavy storm upon them, if England and the States, with the court of Vienna, had not crushed all this, and entered into a guarantee for preserving the peace of the empire, and by consequence, of the Swedish dominions in Germany. Dantzick was at this time severely visited with a plague, which swept away almost one half of their inhabitants, though few of the better sort died of the infection. This put their neighbours under great apprehensions; they feared the spreading of the contagion: but it pleased God it went no farther. This sudden, and, as it seemed, total reverse of all the designs of the king of Sweden, who had been for many years the terror of all his neighbours, made me write to Dr. Robinson, who had lived above thirty years in that court, and is now bishop of Bristol[1], for a particular character of that king. I shall set it down in his own words. 1709. 535

He is now in the 28th year of his age, tall and His character.

[1] (Soon afterwards of London, and before that lord privy seal.)

1709. slender, stoops a little, and in his walking discovers, though in no great degree, the effect of breaking his thigh-bone about eight years ago: he is of a very vigorous and healthy constitution, takes a pleasure in enduring the greatest fatigues, and is little curious about his repose: his chief and almost only exercise has been riding, in which he has been extremely excessive: he usually eats with a good appetite, especially in the morning, which is the best of his three meals: he never drinks any thing but small beer, and is not much concerned whether it be good or bad: he speaks little, is very thoughtful, and is observed to mind nothing so much as his own affairs; laying his designs, and contriving the ways of acting, without communicating them to any, till they are to be put in execution: he holds few or no councils of war; and though in civil affairs his ministers have leave to explain their thoughts, and are heard very patiently, yet he relies more on his own judgment than on theirs, and frequently falls on such methods as are farthest from their thoughts; so that both his ministers and generals have hitherto had the glory of obedience, without either the praise or blame of having advised prudently or otherwise. The reason of his reservedness in consulting others may be thus accounted for: he came at the age of fifteen to succeed in an absolute monarchy, and, by the forward zeal of the states of the kingdom, was in a few months declared to be of age: there were those about him that magnified his understanding as much as his authority, and insinuated that he neither needed advice, nor could submit his affairs to the deliberation of others, without some diminution of his own supreme power. These impressions

had not all their effect till after the war was begun, 1709.
in the course of which he surmounted so many impossibilities, (as those about him thought them,) that he came to have less value for their judgments and more for his own, and at last to think nothing impossible. So it may be truly said, that under God, as well all his glorious successes, as the late fatal reverse of them, have been owing solely to his own conduct. As to his piety, it cannot be said but that the outward appearances have highly recommended it, only it is not very easy to account for the excess of his revenge against king Augustus, and some other instances; but he is not suspected of any bodily indulgences. It is most certain, he has all along wished well to the allies, and not at all to France, which he never intended to serve by any steps he has made. We hear the Turks use him well, but time must shew what use they will make 536
of him, and how he will get back into his own kingdom. If this misfortune does not quite ruin him, it may temper his fire, and then he may become one of the greatest princes of the age. Thus I leave him and his character [m].

The king of Denmark spent a great part of this summer in a very expensive course of travelling through the courts of Germany and Italy, and it was believed he intended to go to Rome, where great preparations were making for giving him a splendid reception; for it was given out, that he intended to change his religion: but whether these reports were altogether groundless, or whether their being so commonly believed was like to produce some dis- Affairs in Denmark.

[m] (The author lived to relate more of this king. See p. 617, folio edit.)

1709. orders in his own kingdom, is not certainly known; only thus much is certain, that he stopped at Florence, and went no further, but returned home; and upon the king of Sweden's misfortunes, entered into measures to attack Sweden with king Augustus; who had called a diet in Poland, in which he was acknowledged their king, and all things were settled there according to his wishes. The king of Denmark, upon his return home, sent an army over the Sound into Schonen; but his counsels were so weak, and so ill conducted, that he did not send a train of artillery, with other necessaries, after them: some places, that were not tenable, were yielded up by the Swedes, and by the progress that he made at first, he seemed to be in a fair way of recovering that province; but the Swedes brought an army together, thongh far inferior to the Danes in number, and falling on them, gave them such an entire defeat, that the king of Denmark was forced to bring back, as well as he could, the broken remnants of his army, by which an end was put to that inglorious expedition.

The Swedish army that was in Poland having got into Pomerania, the French studied to engage them to fall into Saxony, to embroil the affairs of Germany, and by that means engage the neighbouring princes to recall the troops that were in the queen's service, and that of the other allies in Flanders; but the queen and the States interposed effectually in this matter, and the Swedes were so sensible how much they might need their protection, that they acquiesced in the propositions that were made to them: so the peace of the northern parts of the empire was secured. A peace was likewise made

up between the grand seignior and the czar: the king of Sweden continued still at Bender: the war in Hungary went still on. The court of Vienna published ample relations of the great successes they had there; but an Hungarian assured me, these were given out to make the malecontents seem an inconsiderable and ruined party. There were secret negotiations still going on, but without effect. 1709. 537

Nothing of importance passed on the sea: the French put out no fleet, and our convoys were so well ordered and so happy, that our merchants made no complaints. Towards the end of the year, the earl of Pembroke found the care of the fleet a load too heavy for him to bear, and that he could not discharge it as it ought to be done; so he desired leave to lay it down. It was offered to the earl of Orford; but though he was willing to serve at the head of a commission, he refused to accept of it singly: so it was put in commission, in which he was the first [n]. Our fleet well conducted.

I now come to give an account of the session of parliament that came on this winter. All the supplies that were asked, for carrying on the war, were granted, and put on good funds; in this there was a general unanimous concurrence [o]: but the great A session of parliament.

[n] It had all along been a favourite point of the whig junto to bring lord Orford back to the admiralty, and it was the most difficult one of all. H.

[o] ("The speeches of princes "are the echoes of the voice of "their principal servants. The "queen expressed the usual "sentiments concerning the "war, and demanded the usual "supplies. She complained "that France had made use of "all her artifices to amuse the "allies, with false appearances "and deceitful insinuations, of "her desire of peace, (Journals, "Nov. 15.) Though the contrary was certainly the fact, "the assertion was necessary, "to justify the continuance of "the war. The commons, with

1709. business of this session, that took up most of their time, and that had great effects in conclusion, related to Dr. Sacheverel: this being one of the most extraordinary transactions in my time, I will relate it very copiously. Dr. Sacheverel was a bold, insolent man, with a very small measure of religion, virtue, learning, or good sense; but he resolved to force himself into popularity and preferment, by the most petulant railings at dissenters and low-churchmen, in several sermons and libels, wrote without either chasteness of style or liveliness of expression: all was one unpractised strain of indecent and scurrilous language. When he had pursued this method for several years without effect, he was at last brought up by a popular election to a church in Southwark, where he began to make great reflections on the ministry, representing that the church was in danger, being neglected by those who governed, while they favoured her most inveterate enemies. At the assizes in Derby, (where he preached before the judges,) and on the fifth of November, (preaching at St. Paul's in London,) he gave a full vent to his fury, in the most virulent declamation that he could contrive, upon these words of St. Paul's, *Perils from false brethren;* in which, after some short reflections upon popery, he let himself loose into such indecencies, that both the man and the sermon were universally condemned. He asserted the doctrine of non-resistance in the highest strain possible; and said, that to charge the revolution with resistance, was to cast

Sacheverel's sermon.

" great unanimity and zeal, " proceeded on the supplies. " More than six millions were " demanded, and granted: the " whole placed on good and " sufficient funds. Journals " passim." *Macpherson's Hist. of Great Britain*, vol. II. ch. 7, p. 430.)

black and odious imputations on it[p]: pretending that the late king had disowned it, and cited for the proof of that some words in his declaration, by which he vindicated himself from a design of conquest. He poured out much scorn and scurrility on the dissenters, and reflected severely on the toleration; and said the church was violently attacked by her enemies, and loosely defended by her pretended friends: he animated the people to stand up for the defence of the church, for which, he said, he sounded the trumpet, and desired them to put on the whole armour of God. The court of aldermen refused to desire him to print his sermon; but he did print it, pretending it was upon the desire of Garrard, then lord mayor, to whom he dedicated it, with an inflaming epistle at the head of it. The party that opposed the ministry did so magnify the sermon, that, as was generally reckoned, about 40,000 of them were printed, and dispersed over the nation. The queen seemed highly offended at it, and the ministry looked on it as an attack made on them that was not to be despised. The lord treasurer was so described, that it was next to the naming him; so a parliamentary impeachment was resolved on: Eyre, then solicitor-general, and others, thought the short way of burning the sermon, and keeping him in prison during the session, was the better method; but the more solemn way was unhappily chosen[q]. 1709. 538

[p] (Sacheverel in his sermon, pretended to take this view of the revolution, from the circumstance of the king's not having been actually forced to quit the country.)

[q] The impeachment was said to have been principally pushed on by lord Wharton; sir J. Jekyl thought the article for vindicating the revolution the only thing worth contending for. H. (Dr. Swift, in his Hist. of the Four last Years of the

1709. There had been, ever since the queen came to the crown, an open revival of the doctrine of passive obedience and non-resistance [r], by one Lesley, who was the first man that began the war in Ireland; saying, in a speech solemnly made, that king James, by declaring himself a papist, could no longer be our king, since he could not be the defender of our faith, nor the head of our church, dignities so inherent in the crown, that he who was incapable of these could not hold it: a copy of which speech the present archbishop of Dublin [s] told me he had, under his own hand. As he animated the people with his speech, so some actions followed under his conduct, in which several men were killed: yet this man changed sides quickly, and became the violentest Jacobite in the nation, and was engaged in many plots, and in writing many books against the revolution and the present government [t]. Soon after the

Many books wrote against the queen's title.

Queen, affirms, that he had been assured, indeed that he had himself heard lord Somers profess, that he was against engaging in that foolish prosecution of doctor Sacheverel, as what he foresaw was likely to end in the ruin of the whig party, p. 14. The whigs forgot all moderation in their anger. Arthur Maynwaring, who was attached to that party, in one of his papers, called *Medleys*, reports, that it was frequently said by the opponents of Sacheverel, that "in any "other country such a fellow "as he would have been boiled "in oil?")

[r] The truth is, the clergy did not care to be taxed with the contradiction they then shewed to their old passive obedience doctrine. H.

[s] King. O.

[t] He answered bishop King's Account of King James's Conduct in Ireland. It is a scarce Jacobite tract, which I have. H. (The author of the Remarks on Birch's Life of Archbishop Tillotson, p. 65, after complaining of Burnet's attempt to blemish the character of his old antagonist Leslie, gives the following extract from one of Leslie's Rehearsals which answers the aspersions cast on him by the writer of a paper called the Observator. Leslie says, "that he opposed the late "king James, as some then "counted it, so far as justify-"ing the principles of the

queen was on the throne, he, or his son, as some said, published a series of weekly papers under the title of the Rehearsal, pursuing a thread of arguments in them all against the lawfulness of resistance, in any case whatsoever; deriving government wholly from God, denying all right in the people, either to confer or to coerce it: the ministers connived at this, with what intention God knows. 1709.

Whilst these seditious papers had a free course for many years, and were much spread and magnified; one Hoadly, a pious and judicious divine, being called to preach before the lord mayor, chose for his text the first verses of the 13th chapter to the Romans, and fairly explained the words there, that they were to be understood only against resisting good governors, upon the Jewish principles; but that those words had no relation to bad and cruel governors: and he asserted, that it was not only 1710. Dr. Hoadly's writings in defence thereof, 539

" church of England against " those of Rome, with all his " might; for which he was " taken notice of, reprimanded, " and run hazards, at that time, " when the dissenters were very " civil and silent upon the point " of religion. But that he set " not up deposing principles, " nor meddled with arms: for " which of these has the Ob- " servator made him a papist? " *Rehearsal*, No. 90. vol. II. p. " 130." As to the speech said by Burnet to have been shown him by King, it is asserted, by the author of *Historical Remarks on Burnet's Second Volume of his History*, " that a person well " acquainted with archbishop " King, and who has frequently " conversed with him about " Mr. Leslie, will not believe " the archbishop has any such " speech, because he would " at some time or other have " spoken of it upon this oc- " casion. And further, that " there were things written " by the archbishop against " Mr. Leslie, and his grace " would have printed such a " speech for the confutation of " his adversary." p. 82. On which ever side the truth in this point rests, Leslie was a powerful defender of religion, and as a reasoner for it, according to Johnson's observation, not to be reasoned against.)

1710. lawful, but a duty incumbent on all men to resist such; concluding all with a vindication of the revolution and the present government. Upon this, a great outcry was raised, as if he had preached up rebellion; several books were wrote against him, and he justified himself, with a visible superiority of argument to them all, and did so solidly overthrow the conceit of one Filmer [u], now espoused by Lesley, (that government was derived by primogeniture from the first patriarchs,) that for some time he silenced his adversaries: but it was an easier thing to keep up a clamour, than to write a solid answer. Sacheverel did, with great virulence, reflect on him, and on me, and several other bishops, carrying his venom as far back as to archbishop Grindal, whom, for his moderation, he called a perfidious prelate, and a false son of the church. When it was moved to impeach him, the lord mayor of London, being a member of the house of commons, was examined to this point, whether the sermon was printed at his desire or order; upon his owning it, he would have been expelled the house; but he denied he had given any such order, though Sacheverel affirmed it, and brought witnesses to prove it: yet the house would not enter upon that examination; but it was thought more decent to seem to give credit to their own member, though indeed few believed him.

Sacheverel was impeached by the house of commons.

Some opposition was made to the motion for impeaching Sacheverel, but it was carried by a great majority: the proceedings were slow; so those, who

[u] (Sir Robert Filmer, the author of the book entitled *Patriarcha*. His theory of government had been confuted by Locke.)

intended to inflame the city and the nation upon that occasion, had time sufficient given them for laying their designs: they gave it out boldly, and in all places, that a design was formed by the whigs to pull down the church, and that this prosecution was only set on foot to try their strength; and that upon their success in it they would proceed more openly. Though this was all falsehood and forgery, yet it was propagated with so much application and zeal, and the tools employed in it were so well supplied with money, (from whom, was not then known,) that it is scarce credible how generally it was believed. 1710.

Some things concurred to put the vulgar in ill humour; it was a time of dearth and scarcity, so that the poor were much pinched: the summer before, ten or twelve thousand poor people of the Palatinate, who were reduced to great misery, came into England; they were well received and supplied, both by the queen, and by the voluntary charities of good people: this filled our own poor with great indignation; who thought those charities, to which they had a better right, were thus intercepted by strangers; and all who were ill affected, studied to heighten these their resentments[x]. The clergy did generally espouse Sacheverel as their champion, who had stood in the breach; and so they reckoned his cause was their own. Many sermons were preached, both in London and in other places, to provoke the people, in which they succeeded beyond expectation. Some accidents concurred to delay the proceedings; much time was spent in preparing

[x] (See afterwards, pages 564, 565, folio edit.)

1710. the articles of impeachment: and the answer was, by many shifts, long delayed: it was bold, without either submission or common respect; he justified every thing in his sermon in a very haughty and assuming style. In conclusion, the lords ordered the trial to be at the bar of their house; but those who found, that by gaining more time the people were still more inflamed, moved that the trial might be public in Westminster hall; where the whole house of commons might be present: this took so with unthinking people, that it could not be withstood, though the effects it would have were well foreseen: the preparing Westminster hall was a work of some weeks.

And tried in Westminster hall.

At last, on the 27th of February, the trial begun. Sacheverel was lodged in the Temple, and came every day, with great solemnity, in a coach to the hall; great crowds ran about his coach, with many shouts, expressing their concern for him in a very rude and tumultuous manner. The trial lasted three weeks, in which all other business was at a stand; for this took up all men's thoughts: the managers for the commons opened the matter very solemnly: their performances were much and justly commended: Jekyll, Eyre, Stanhope, King, but above all Parker, distinguished themselves in a very particular manner: they did copiously justify both the revolution[y], and the present administration.

[y] (They in a very manly way rested its justification, not on a pretended supposititious birth, but on the right of the nation to make such a change in the existing circumstances. Perhaps they adopted a mode of defence more consistent with their principles, than politic at the time; for the lie about a supposititious birth produced doubt in men's minds, and prevented the return of the Stuarts. Certainly this doubt,

There was no need of witnesses; for the sermon being owned by him, all the evidence was brought from it, by laying his words together, and by shewing his intent and meaning in them, which appeared from comparing one place with another. When his counsel, sir Simon Harcourt[z], Dodd, Phipps, and two others, came to plead for him, they very freely acknowledged the lawfulness of resistance in extreme cases, and plainly justified the revolution, and our deliverance by king William: but they said, it was not fit in a sermon to name such an exception; that the duties of morality ought to be delivered in their full extent, without supposing an extraordinary 541
case: and therefore Sacheverel had followed precedents, set by our greatest divines, ever since the reformation, and ever since the revolution. Upon this they opened a great field; they began with the declarations made in king Henry the VIIIth's time; they insisted next upon the homilies, and from thence instanced in a large series of bishops and divines, who had preached the duty of submission 1710.

in conjunction with people's fears for the safety of the established religion, and the determination of the great men to govern, instead of being governed, hindered their restoration. Even tories of rank spoke at that time of the prince's birth as uncertain.)

[z] He spoke only in the first day of the defence; for he was chosen a member of the house of commons upon a vacancy, and had notice of it just as he had done speaking; some said that it was before he spoke. He had been voted out of the house of commons in this parliament, upon a petition against him carried on with great heat and violence by the government interest, which made him, as it was said, engage in this cause with the more bitterness, but as against the administration, rather than for his client. He was afterwards lord chancellor, with no character in any station, but for his abilities, saving that of integrity in causes, which I never heard doubted. He had the greatest skill and power of speech of any man I ever knew, in a public assembly. O.

1710. and non-resistance, in very full terms, without supposing any exception; some excluding all exceptions, in as positive a manner as he had done: they explained the word *revolution*, as belonging to the new settlement upon king James's withdrawing; though, in the common acceptation, it was understood of the whole transaction, from the landing of the Dutch army, till the settlement made by the convention. So they understanding the revolution in that sense, there was indeed no resistance there; if the passage quoted from the declaration given out by the late king, while he was prince of Orange, did not come up to that, for which he quoted it; he ought not to be censured because his quotation did not fully prove his point. As for his invective against the dissenters and the toleration, they laboured to turn that off, by saying he did not reflect on what was allowed by law, but on the permission of, or the not punishing many, who published impious and blasphemous books: and a collection was made of passages in books, full of crude impiety and of bold opinions. This gave great offence to many, who thought that this was a solemn publishing of so much impiety to the nation, by which more mischief would be done than by the books themselves; for most of them had been neglected, and known only to a small number of those who encouraged them: and the authors of many of these books had been prosecuted and punished for them. As to those parts of the sermon, that set out the danger the church was in, though both houses had some years ago voted it a great offence, to say it was in danger, they said it might have been in none four years ago, when these votes passed, and yet be now in danger:

the greatest of all dangers was to be apprehended from the wrath of God for such impieties. They said, the reflections on the administration were not meant of those employed immediately by the queen, but of men in inferior posts[a]: if his words seemed capable of a bad sense, they were also capable of a more innocent one; and every man was allowed to put any construction on his words that they could bear. When the counsel had ended their defence, Sacheverel concluded it with a speech, which he read with much bold heat; in which, with many solemn asseverations, he justified his intentions towards the queen and her government; he spoke with respect, both of the revolution and the protestant succession; he insisted most on condemning all resistance under any pretence whatsoever, without mentioning the exception of extreme necessity, as his counsel had done: he said, it was the doctrine 1710. 542

[a] In the time of the trial, the earl of Godolphin asked me if I did not think they were all gone mad, to fall foul upon the doctrine of the church of England, as well as the doctor. I said, I supposed they would not have troubled themselves with one, but to have a fling at the other. He said, "Well, "things must be worse before "they can be better," and so parted, without any further explanation of his mysterious sentence. But I knew, neither the doctor nor the doctrine had been called in question, if the word *Volpone* had been left out of his sermon; which was too hard and significant a word to be passed over, in a sermon preached before the lord mayor and city of London, with impunity. D. (It should seem, that the ludicrous name of Volpone, or Vulpone, was intended to designate the same peer, in a pamphlet on the Union with Scotland, published three years before the sermon. It is entitled *Vulpone, or Remarks on some proceedings in Scotland*, &c. Lond. 1707. Lord Dartmouth's suggestion, that lord Godolphin's resentment at the application of this nickname occasioned the famous trial, is confirmed by Dr. Swift's assertion, that lord Somers declared as much to Swift himself. See Swift's *Memoirs relating to the Change in the Queen's Ministry*, p. 9.)

1710. of the church in which he was bred up; and added many pathetical expressions, to move the audience to compassion. This had a great effect on the weaker sort, while it possessed those who knew the man and his ordinary discourses with horror, when they heard him affirm so many falsehoods with such solemn appeals to God [b]. It was very plain the speech was made for him by others; for the style was correct, and far different from his own [c].

A great disorder at that time.

During the trial, the multitudes that followed him, all the way as he came, and as he went back, shewed a great concern for him, pressing about him, and striving to kiss his hand: money was thrown among them; and they were animated to such a pitch of fury, that they went to pull down some meeting-houses, which was executed on five of them, as far as burning all the pews in them. This was directed by some of better fashion, who followed the mob in hackney coaches, and were seen sending messages to them: the word, upon which all shouted, was, *The Church and Sacheverel!* and such as joined not in the shout were insulted and knocked down: before my own door, one, with a spade, cleft the skull of another, who would not shout as they did. There happened to be a meeting-house near me, out of which they drew every thing that was in it, and burned it before the door of the house. They threatened to do the like execution

[b] (These professions were probably put in his mouth by another person.)

[c] (It is commonly attributed to bishop Atterbury, and is finely written. And although the eminent tory leader, Mr. Bromley, used to say, that he had seen a copy of this speech in Sacheverel's handwriting, and corrected by him, yet this account by no means proves, that Sacheverel was its real author.)

on my house; but the noise of the riot coming to court, orders were sent to the guards to go about, and disperse the multitudes, and secure the public peace. As the guards advanced, the people ran away; some few were only taken; these were afterwards prosecuted; but the party shewed a violent concern for them; two of them were condemned as guilty of high treason; small fines were set on the rest; but no execution followed; and after some months, they were pardoned: and indeed this remissness in punishing so great a disorder, was looked on as the preparing and encouraging men to new tumults. There was a secret management in this matter, that amazed all people: for though the queen, upon an address made to her by the house of commons, set out a proclamation, in which this riot was, with severe words, laid upon papists and nonjurors, who were certainly the chief promoters of it; yet the proceedings afterwards did not answer the threatenings of the proclamation. 1710.

When Sacheverel had ended his defence, the managers for the house of commons replied, and shewed very evidently, that the words of his sermon could not reasonably bear any other sense, but that for which they had charged him; this was an easy performance, and they managed it with great life: but the humour of the town was turned against them, and all the clergy appeared for Sacheverel. Many of the queen's chaplains stood about him, encouraging and magnifying him [d]; and it was given out that the queen herself favoured him: though 543 Continuation of the trial.

[d] (The respectable names of Smalridge, Stanhope, Atterbury, and Moss, are mentioned on this occasion. See Life and Reign of Queen Anne, published in 1738, p. 520.)

1710. upon my first coming to town, which was after the impeachment was brought up to the lords, she said to me, that it was a bad sermon, and that he deserved well to be punished for it[e]. All her ministers who were in the house of commons were named to be managers, and they spoke very zealously for public liberty, justifying the revolution. Holt, the lord chief justice of the king's bench, died during the trial: he was very learned in the law, and had upon great occasions shewed an intrepid zeal in asserting its authority; for he ventured on the indignation of both houses of parliament by turns, when he thought the law was with him: he was a man of good judgment and great integrity, and set himself with great application to the functions of that important post[f]. Immediately upon his death, Parker was made lord chief justice[g]: this great promotion seemed an evident demonstration of the queen's approving the prosecution; for none of the managers

Sir John Holt's death and character.

Parker made lord chief justice.

[e] (The mob, it is said, followed the queen, as she went privately in a chair to the trial in Westminster-hall, exclaiming, "God bless your majesty; "we hope your majesty is for "the church and Dr. Sache-"verel.")

[f] But not of very enlarged notions; perhaps the better judge; whose business is to keep strictly to the plain and known rules of the law. Men of lively genius are too apt to go beyond those boundaries, and affect to strike out what they call "new lights;" a very dangerous thing in the law, how well soever and useful in other sciences. O.

[g] This wise promotion was most judiciously made to please the duke of Somerset, who had taken it into his head that he could govern Parker, which nobody that knew either could believe. But the duke was too necessary at that time to be contradicted. D. ("I would "fain ask," writes Swift in his Public Spirit of the Whigs, p. 54, "one single person in "the world a question, Why "he hath so often drank the "abdicated king's health upon "his knees?" Parker, when chief justice, had condemned Bedford, the editor of a book in favour of hereditary right, to a rigorous imprisonment.)

had treated Sacheverel so severely as he had done; yet secret whispers were very confidently set about, that though the queen's affairs put her on acting the part of one that was pleased with this scene, yet she disliked it all, and would take the first occasion to shew it. 1710.

After the trial was ended, the debate was taken up in the house of lords: it stuck long on the first article; none pretended to justify the sermon, or to assert absolute non-resistance: all who favoured him went upon this, that the duty of obedience ought to be delivered in full and general words, without putting odd exceptions, or supposing odious cases: this had been the method of all our divines. Pains were also taken to shew, that his sermon did not reflect on the revolution: on the other hand, it was said, that since the revolution had happened so lately, and was made still the subject of much controversy, those absolute expressions did plainly condemn it. The revolution was the whole progress of the turn, from the prince of Orange's landing, till the act of settlement passed. The act of parliament expressed what was meant by the abdication and the vacancy of the throne; that it did not only relate to king James's withdrawing himself, but to his ceasing to govern according to our constitution and laws, setting up his mere will and pleasure as the measure of his government: this was made plainer by another clause in the acts then passed, which provided, that if any of our princes should become papists, or marry papists, the subjects were in those cases declared to be free from their allegiance. Some of the bishops spoke in this debate on each side; Hooper, bishop of Bath and Wells, spoke in Debates in the house of lords after the trial. 544

1710. excuse of Sacheverel; but Talbot, bishop of Oxford, Wake, bishop of Lincoln, and Trimnel, bishop of Norwich, and myself, spoke on the other side. We shewed the falsehood of an opinion too commonly received, that the church of England had always condemned resistance, even in the cases of extreme tyranny: the books of the Maccabees, bound in our Bibles, and approved by our Articles, (as containing examples of life and instruction of manners, though not as any part of the canon of the scripture,) contained a full and clear precedent for resisting and shaking off extreme tyranny: the Jews, under that brave family, not only defended themselves against Antiochus, but formed themselves into a free and new government. Our homilies were only against wilful rebellion, such as had been then against our kings, while they were governing by law: but at that very time queen Elizabeth had assisted, first the Scotch, and then the French, and to the end of her days continued to protect the States, who not only resisted, but, as the Maccabees had done, shook off the Spanish yoke, and set up a new form of government: in all this she was not only justified by the best writers of that time, such as Jewel and Bilson, but was approved and supported in it: both her parliaments and convocations gave her subsidies, to carry on those wars. The same principles were kept up all king James's reign: in the beginning of king Charles's reign, he protected the Rochellers, and asked supplies from the parliament to enable him to do it effectually; and ordered a fast and prayers to be made for them. It is true, soon after that, new notions of absolute power, derived from God to kings, were taken up; at the first rise given to these by

Manwaring, they were condemned by a sentence of the lords; and though he submitted, and retracted his opinion, yet a severe censure passed upon him: but during the long discontinuance of parliaments that followed, this doctrine was more favoured; it was generally preached up, and many things were done pursuant to it, which put the nation into the great convulsions that followed in our civil wars. After these were over, it was natural to return to the other extreme, as courts naturally favour such doctrines. King James trusted too much to it; yet the very asserters of that doctrine were the first who pleaded for resistance, when they thought they needed it. Here was matter for a long debate: it was carried by a majority of seventeen, that the first article was proved. The party that was for Sacheverel made no opposition to the votes upon the following articles; but contented themselves with protesting against them: the lords went down to the hall, where the question being put upon the whole impeachment, *Guilty* or *Not guilty*, fifty-two voted him *Not guilty*, and sixty-nine voted him *Guilty*. 1710. 545

The next debate was, what censure ought to pass upon him: and here a strange turn appeared; some seemed to apprehend the effects of a popular fury, if the censure was severe; to others it was said, that the queen desired it might be mild; so it was proposed to suspend him from preaching for one year; others were for six years; but by a vote it was fixed to three years. It was next moved, that he should be incapable of all preferment for those three years; upon that the house was divided, fifty-nine were for the vote, and sixty were against it: so that being laid aside, the sermon was ordered to be burnt, in the

He is censured very gently.

1710. presence of the lord mayor and the sheriffs of London; and this was done; only the lord mayor, being a member of the house of commons, did not think he was bound to be present. The lords also voted, that the decrees of the university of Oxford, passed in 1683, in which the absolute authority of princes, and the unalterableness of the hereditary right of succeeding to the crown, were asserted in a very high strain, should be burnt with Sacheverel's sermon: the house of commons likewise ordered the impious collection of blasphemous expressions, that Sacheverel had printed as his justification [h], to be also burnt.

When this mild judgment was given, those who had supported him during the trial expressed an inconceivable gladness, as if they had got a victory; bonfires, illuminations, and other marks of joy appeared, not only in London, but over the whole kingdom.

Addresses against the parliament.

This had yet greater effects; addresses were set on foot from all the parts of the nation, in which the absolute power of our princes was asserted, and all resistance was condemned, under the designation of antimonarchical and republican principles; the queen's hereditary right was acknowledged, and yet a zeal for the protestant succession was likewise pretended, to make those addresses pass the more easily with unthinking multitudes [i]: most of these concluded

[h] (His justification for having asserted, that religion and the church of England were in danger. See above, p. 541.)

[i] I believe it would puzzle a wiser man than the bishop, to distinguish between queen Anne's hereditary right, and the house of Hanover's, they being equally so, upon the foot of next qualified heirs to the crown. It is true, king William was never so; but he would not have been displeased

with an intimation of their hopes, that the queen would dissolve the present parliament, giving assurances, that in a new election, they would choose none but such as should be faithful to the crown, and zealous for the church: these were at first more coldly received; for the queen either made no answer at all, or made them in very general words. Addresses were brought upon the other hand, magnifying the conduct of the parliament, and expressing a zeal for maintaining the revolution and the protestant succession. 1710. 546

In the beginning of April the parliament was prorogued, and the queen, in her speech thereupon, expressed her concern that there was cause given for that which had taken up so much of their time, wishing that all her people would be quiet, and mind their own business; adding, that in all times there was too much occasion given to complain of impiety, but that she would continue that zeal which she had hitherto expressed for religion and for the church: this seemed to look a different way from the whispers that had been set about. Soon after that, she made a step that revived them again: the duke of Shrewsbury had gone out of England in the end of the former reign, thinking, as he gave out, that a warmer climate was necessary for his health: he stayed several years at Rome, where he The queen's speech.

to have had the distinction made, if it could have been done in his favour; well knowing he was not the more respected, either at home or abroad, for being upon the foot of election: and if the princess of Denmark had died before him, would soon have shewn he knew the difference, as some that were much in his confidence have told me: and that was one great cause of his aversion to her, that she had a better title than he had. D.

1710. became acquainted with a Roman lady: and she, upon his leaving Rome to return to England, went after him to Augsbourg, where she overtook him, and declared herself a protestant; upon which, he married her there, and came with her back to England in the year 1706[k]. Upon his return, the whigs lived in civilities with him; but they thought his leaving England, and his living so long out of it, while we were in so much danger at home, and his strange marriage, gave just cause of suspicion. The duke of Marlborough and the lord Godolphin lived still in friendships with him, and studied to over-

Duke of Shrewsbury made lord chamberlain.

[k] Forced to it, as it was generally said and believed, by a furious brother of hers, with whom the duke did not care to quarrel. However, to avoid the scandal of that upon himself, he had the skill and temper to preserve ever afterwards all appearances to the world of affection and respect for her, and laboured to procure the latter to her from all other people, and carried it so far as to get her made one of the ladies of the bedchamber to the princess of Wales. But after his death she was very little considered, and was in truth a vain, impertinent woman, without virtue or sense, not enough even for the art of her country. By the means of a relation of mine, I had an opportunity of knowing a good deal of her character, and the duke's management of it, which seemed to take up more of his time and thoughts than all his other private and his public concerns did; and all this from the hopes he had of concealing what all the world did really know. The whole of this transaction affords a most eminent proof, that he who wants courage should never want prudence, and that all the after wisdom that can be exerted, may not in every case be able to cure or to cover even a single folly. His life was not disturbed only by this care of her, but he was continually disquieted by the brother for money, who at last came into England, mad with pride and poverty, and having in his rage murdered a chairman, or a servant, was hanged here for that offence; but the duke was then dead. They were of a great family in Italy, named Paliotti, and descended, by a female, from the famous sir Robert Dudley, thought to be the legitimate, but only allowed to be the natural son of Robert Dudley, earl of Leicester, and was created by the emperor or the pope, a duke, with the title of Northumberland. O.

come the jealousies that the whigs had of him; for they generally believed, that he had advised the late king to the change he made in his ministry towards the end of his reign. He seemed not to be concerned at the distance in which he was kept from business; but in the late trial he left the whigs in every vote; and a few days after the parliament was prorogued, the queen, without communicating the matter to any of her ministers, took the chamberlain's white staff from the marquis of Kent, (whom, in recompense for that, she advanced to be a duke,) and gave it to the duke of Shrewsbury [1]. 1710.

[1] See a very free letter of the lord Godolphin on this occasion to the queen. It is in the duchess of Marlborough's Memoirs. O. The duke of Shrewsbury was a man of a very noble family, a clear understanding, had an education that qualified him for any employment, extremely agreeable in his person, and of a very lively conversation: but with all these advantages was a very unhappy man. He was ambitious, but naturally so timorous, and quick of apprehension, that he enjoyed more imaginary dangers than any man ever did. His duchess, who kept her authority over him by the same means she had obtained it, was the constant plague of his life, and the real cause of his death. He had not resolution enough to be chief minister, but could not bear that another should be what he so often refused; and could not help shewing his dissatisfaction, even to invidiousness. He could give very bold advice, but always shrunk in the execution; an instance of which lessened his esteem with the queen, who did not want courage herself, to a degree of contempt. Jack How, who was vice-chamberlain to the queen her sister, told me, if she had outlived the king, she would certainly have married him. The first time he perceived any thing extraordinary was in leading of her to chapel: when the duke stepped forward to speak to her, she trembled all over; and he often observed the like commotions afterwards, whenever he came into her presence. I believe his father and brother having been killed, might contribute to his unaccountable faint-heartedness. D. ("The "duke of Shrewsbury," (says Swift, in the 26th number of the Examiner,) "was highly in- "strumental in bringing about "the revolution, in which ser- "vice he freely exposed his life "and fortune; he has ever been "the favourite of the nation,

1710. This gave a great alarm; for it was upon that concluded, that a total change of the ministry would quickly follow; the change of principles that he had discovered in the trial was imputed to a secret management between him and Harley, with the new favourite. The queen's inclination to her, and her alienation from the duchess of Marlborough, did in-
547 crease, and broke out in many little things not worth naming: upon that, the duchess retired from the court, and appeared no more at it [m]. The duke of Shrewsbury gave the ministers very positive as-

" being possessed of many ami-
" able qualities; but in the
" agreeableness and fragrancy
" of his person, and the pro-
" foundness of his politics, must
" be allowed to fall very short
" of the ——" [duke of Kent.] Compare note above, at p. 381. folio edit.)

[m] The duchess of Marlborough had been long out of favour, before either her husband or lord Godolphin knew of it, (she keeping it a secret from them as long as she could.) After the battle of Blenheim, she thought her foundation so broad, that she treated the queen with the utmost insolence and contempt. The last free conference she had with her was at Windsor, where Mrs. Danvers, who was then in waiting, told me, the duchess reproached her for above an hour with her own and her family's services, in so loud and shrill a voice, that the footmen at the bottom of the back stairs could hear her: and all this storm was raised for the queen's having ordered a bottle of wine a day to be allowed her laundress, without having acquainted her grace with it. The queen, seeing her so outrageous, got up, to have gone out of the room: the duchess clapped her back against the door, and told her she should hear her out, for that was the least favour she could do her, in return for having set and kept the crown upon her head. As soon as she had done raging, she flounced out of the room, and said, she did not care if she never saw her more: to which the queen replied very calmly, that she thought the seldomer the better. She used to entertain her confidents with telling them what a praying, godly idiot the queen was, and was wise enough to think they would keep such a secret for her: but lady Fitzharding, who could not keep her secret in king William's time, was as little disposed to do it in queen Anne's. D. (See lord Dartmouth's note above at p. 90, folio edit.)

surances, that his principles were the same they had been during the last reign, and were in no respect altered: upon which, he desired to enter into confidences with them; but there was now too much ground given for suspicion. 1710.

During this winter I was encouraged by the queen to speak more freely to her of her affairs, than I had ever ventured to do formerly; I told her what reports were secretly spread of her through the nation, as if she favoured the design of bringing the pretender to succeed to the crown, upon a bargain that she should hold it during her life: I was sure these reports were spread about by persons who were in the confidence of those that were believed to know her mind; I was well assured, that the Jacobites of Scotland had, upon her coming to the crown, sent up one Ogilby of Boyne, who was in great esteem among them, to propose the bargain to her; he, when he went back, gave the party full assurances that she accepted of it: this I had from some of the lords of Scotland, who were then in the secret with the professed Jacobites. The earl Cromarty made a speech in parliament, as was formerly mentioned [n], contradicting this, and alluding to the distinction of the Calvinists, made between the secret and the revealed will of God; he assured them the queen had no secret will, contrary to that which she declared: yet at the same time his brother gave the party assurances to the contrary. I told the queen all this; and said, if she was capable of making such a bargain for herself [o], The queen was spoke to with great freedom.

[n] (P. 397.)

[o] (The bishop's presumption was certainly very great, but it is hardly to be credited that he should say exactly this, and what immediately follows, to the queen.)

1710. by which her people were to be delivered up, and sacrificed after her death, as it would darken all the glory of her reign, so it must set all her people to consider of the most proper ways of securing themselves, by bringing over the protestant successors; in which, I told her plainly, I would concur, if she did not take effectual means to extinguish those jealousies. I told her, her ministers had served her with that fidelity, and such success, that her making a change among them would amaze all the world. The glory of queen Elizabeth's reign arose from the firmness of her counsels, and the continuance of her ministers, as the three last reigns, in which the ministry was often changed, had suffered extremely by it [P]. I also shewed her, that if she suffered the pretender's party to prepare the nation for his succeeding her, she ought not to imagine, that when they thought they had fixed that matter, they would stay for the natural end of her life; but that they
548 would find ways to shorten it: nor did I think it was to be doubted, but that in 1708, when the pretender was upon the sea, they had laid some assassinates here, who, upon the news of his landing, would have tried to despatch her. It was certain,

[P] But queen Elizabeth's ministry was a mixed one, consisting of some moderate papists, church of England men, and of persons not disinclined to the puritans. They had animosities too against one another, in rivalry for power, which she checked or suffered, just as it served her purpose to control them all, and to keep them in an absolute subserviency to herself: and by this she had their constant and united service as she pleased, and their quarrels made therefore no changes in the court. The keeping her servants in awe, and courting her people, both which she was admirably made for, and knowing when she was well served, and generally choosing such as were proper for that, were the great characters of her government, and will always make a government great. O.

that their interest led them to it, as it was known that their principles did allow of it. This, with a great deal more to the same purpose, I laid before the queen; she heard me patiently; she was for the most part silent: yet, by what she said, she seemed desirous to make me think she agreed to what I laid before her; but I found afterwards it had no effect upon her: yet I had great quiet in my own mind, since I had, with an honest freedom, made the best use I could of the access I had to her [q]. 1710.

The duke of Marlborough went beyond sea in February, to prepare all matters for an early campaign, designing to open it in April, which was done. The French had wrought so long upon their lines, that it was thought they would have taken as much care in maintaining them; but upon the advance of our army they abandoned them. And though they seemed resolved to make a stand upon the scarp, yet they ran from that likewise; and this opened the way all on to Doway: so that was invested. The garrison was 8000 strong, well furnished with every thing necessary to make a brave defence: the besieged sallied out often, sometimes with advantage, but much oftener with loss. It was the middle of May before the French could bring their

Doway besieged and taken.

[q] This all-knowing bishop knew little of what passed at court at this time: but the queen, who was the best bred person in her dominions, would give him a patient hearing, when she despised his impertinence; and very well knew she run most danger, though he had the vanity to fancy he should be the first man hanged, if ever the pretender came; (which nobody else thought could fall to his share, in a much longer time than his age would admit of;) and I dare say she laughed heartily at his threats, knowing him to be as insignificant as he was bold and intruding. D. This is all gratis dictum. Believe him who will, though he was impertinent enough to act and say thus. *Cole's MS. note.*

1710. army together: it appeared that they resolved to stand upon the defensive, though they had brought up together a vast army of two hundred battalions and three hundred squadrons: they lay before Arras, and advanced to the plains of Lens: Villars commanded, and made such speeches to his army, that it was generally believed he would venture on a battle, rather than look on, and see Doway lost. The duke of Marlborough and prince Eugene posted their army so advantageously, both to cover the siege and to receive the enemy, that he durst not attack them; but after he had looked on a few days, in which the two armies were not above a league distant, he drew off: so the siege going on, and no relief appearing, both Doway and the Fort Escarp capitulated on the 14th of June.

THE END OF VOL. V.

A

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